

THE

FIRST ANNUAL REPORT

OF THE

NEW YORK COMMITTEE OF VIGILANCE,

FOR THE YEAR 1837,

TOGETHER WITH

IMPORTANT FACTS RELATIVE TO THEIR PROCEEDINGS.

The cause that I knew not, I searched out.

Yea, I brake the jaws of the wicked, and plucked the spoil out of his teeth.

—Job xxix. 16, 17

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P R E F A C E.

The origin and object of the New York Committee of Vigilance are as follows :

At a meeting of the friends of Human Rights, holden in the city of New York, Nov. 20, 1835, for the purpose of adopting measures to ascertain, if possible, the extent to which the cruel practice of kidnapping men, women and children, is carried on in this city, and to aid such unfortunate persons as may be in danger of being *reduced to Slavery*, in maintaining their rights—ROBERT BROWN, Esq. was called to the Chair, and David Ruggles, appointed Secretary.

The meeting being impressed with the alarming *fact* that any colored person within this State is liable to be arrested as a *fugitive from slavery* and put upon his defence to prove his freedom, and that any *such* person thus arrested is denied the *right of trial by jury*, and, therefore subject to a hurried trial, often without the aid of a friend or a counsellor—We hold ourselves bound by the Golden Rule of our Saviour, to aid them, *to do to others as we would have them do to us*. It is therefore,

Resolved, That William Johnston, David Ruggles, Robert Brown, George R. Barker, J. W. Higgins, be appointed a committee to aid the people of color, legally to obtain their rights.

Resolved, That this Committee be authorized to add to their number and to fill vacancies.

Resolved, That three members shall be a quorum at any meeting regularly called.

Resolved, That this meeting commend the Committee to the confidence of the people of color and to the liberality and support of the friends of Human Rights.

ROBERT BROWN, Chairman.

DAVID RUGGLES, Secretary.

We, the Committee appointed by the said meeting, being deeply impressed with the important and urgent nature of the duties committed to us, earnestly solicit the aid of the friends of humanity for the accomplishment of the following objects :

1. To protect unoffending, defenceless, and endangered persons of color, by securing their rights as far as practicable.

2. By obtaining for them when arrested, under the pretext of being *fugitive slaves*, such protection as the law will afford.

These objects are so continually pressing themselves on the notice of the friends of our colored brethren especially in the City of New-York, that we feel compelled by the dictates of humanity, and by the authority of God to exert ourselves in their behalf, and therefore we appeal to you, to *aid* in this work of philanthropy and Christian benevolence.

ROBERT BROWN,	}	<i>Committee.</i>
WILLIAM JOHNSTON,		
DAVID RUGGLES,		
GEORGE R. BARKER,		
J. W. HIGGINS,		

✍ All communications may be addressed to DAVID RUGGLES, Secretary for the Committee, New York.

FIRST ANNUAL REPORT
OF THE
COMMITTEE OF VIGILANCE
FOR THE
PROTECTION OF THE PEOPLE OF COLOR.

The Committee of Vigilance for the protection of the people of color, feel much pleasure and satisfaction in meeting the friends by whom they were appointed to labor in behalf of the oppressed, and would respectfully submit to them the following report of their efforts during the past year.—Your committee commenced their important labors with mingled feelings of deep responsibility and hope of usefulness, encouraged on the one hand by the cordial approbation of many of their friends, and depressed on the other by the fearful apprehensions of those, who while friendly to the interests of our colored brethren, considered our attempt as not only hazardous, but hopeless.—It is with peculiar pleasure, therefore, your committee meet you on this anniversary of their appointment, especially as none of the evils anticipated by our fearful friends, have been realized, while much has been accomplished which will, we trust, not only prove the necessity of such committees, but stimulate our friends to greater zeal in the prosecution of the good work in which they are engaged.

Before entering into a detail of their operations, your committee beg to present to your mind their views of the nature and extent of the field in which they labor, on which subject they believe much error prevails, even among our abolition friends. We have generally believed that much oppression and injustice was practised against our colored brethren; that they labored under the unholy prejudice induced on the minds of the community by the blighting influence of slavery; that they suffered many privations even as freemen, which have kept them in a state of degradation and poverty; that they have been generally a people robbed and spoiled, and trodden under foot, by those, who not only boast of the possession of liberty, but admit it to be the inherent right of every man, and still more by those who as Christians proclaim themselves the freemen of the Lord—but a more intimate acquaintance with the subject has convinced us that the view generally taken is very far short of the truth: we formerly believed that these evils arose principally from those who might be considered the base and unprincipled part of society, or men who held public opinion in contempt, or who were so accustomed to the feelings and practices of slave holders, that they could not separate a colored skin from a piece of merchandize: but we have been deceived; we find it difficult to name a class of the community, or a department in life where the colored man is not exposed to oppression, and aggravated evils which ought not to be tolerated in civilized society.

So fully convinced are we of the distressing extent of these evils, we feel assured we might have removed

a load of human suffering, the existence of which would scarcely be credited by a superficial observer, had we possessed funds and agents equal to the work. That colored people were often kidnapped from the free states was generally known—but we have found the practice so extensive that no colored man is safe, be his age or condition in life what it may—by sea and land, in slave states, or in those where colored men are considered free, in all the varied occupations of life, they are exposed to the horrors of slavery. The high prices obtained by slaveholders for their fellow men in the markets of the south, tempt the cupidity of those pests of society, the slave agents, who not only track like the blood hound, the poor fugitive through the states, but drag the freeman to bondage for the price of blood ; with all the satanic subtlety of their profession they allure by a thousand false pretences their victims, or by brutal violence force them from all the endearments of their homes, to a life of toil and misery ; and may not the oppressed and endangered justly claim your sympathy and your aid ? Doubtless they may, and hence the necessity of a committee of vigilance to shield them from the deadly influence of slavery, even in a land of boasted liberty, where perpetual watchfulness, prudence, and firmness is required to protect the peaceful citizen from falling a prey to the ruthless grasp of southern tyranny. One class of colored persons to which the attention of your committee has been directed, and where greater facility of affording relief has existed than in most other cases, is that of slaves brought into the free states by

their masters : we find them generally ignorant of the fact, that under certain circumstances, they may claim their freedom : we feel it our duty to inform them of this important fact, and by our aid and counsel give them that assistance which may render them not only free, but useful members of society.

From the pro-slavery spirit pervading the free states, we find innumerable evils continually springing up to embitter the lot of the colored man ; they are kept in ignorance, being not only excluded from the higher literary institutions, but even from most common schools, and thus denied the ennobling advantages of science, all the higher professions are closed against them ; they are confined as much as possible to mean and unprofitable employments ; they are exposed by their unfavorable condition to many temptations to the commission of offences which those more protected by education or property or public opinion, generally avoid, and then branded even by our judges as dangerous members of society, though truth should have preserved them from such unmerited censure, as the numbers charged in our courts bear a less proportion to the white than their comparative population.

Among other prominent evils, we cannot forbear mentioning one of no ordinary character, the fact that the laws enacted for the protection of the colored people, are continually violated, not only by men in private life, but even by our judges. When the laws of a country are equitably administered, without respect of persons, when men may appeal to the tribunal of justice with confidence of an impartial hearing,

every member of the community feels a satisfactory assurance in the possession of that portion of right which the law has assigned him, even though it be less than other men enjoy ; but when courts of law are made the rendezvous of oppression, when those who are appointed to the solemn duty of administering justice, not only pander to the vulgar prejudices of society, but pollute their office by betraying the cause of the oppressor, and turn aside the poor from their right ; when judges wield the power of law to subvert and destroy the welfare of their fellow men, then indeed the foundation on which the social fabric rests trembles and affords no support to the superstructure. Yet such is the state of some of our courts of law, when the colored man appeals for justice ; and hence the necessity of a committee of vigilance by which he may be protected, and who may, if need be, bring to public view, and hold up to the contempt and indignation of every honest and virtuous mind, the delinquencies of such unrighteous judges ; and here we stand on vantage ground. Every man capable of discerning between right and wrong, can perceive the absolute necessity of preserving the fountains of justice pure for the protection of civilized society. A corrupt judge is held in abhorrence throughout the world, and every one, from a principle of self-preservation, unites in condemning him as a traitor to his country, a man whose memory lives but in the execration of his fellow men.

Your committee have felt it their duty to direct

their attention in an especial manner to this important subject, in relation to certain trials in this city, to which they will shortly call your attention. The labors of your committee appear to have had a very beneficial effect on the minds of the colored people generally : every one at all acquainted with the condition and feelings of our colored brethren, will admit, that there existed a listlessness, a feeling of indifference, arising perhaps from several causes, but certainly owing in a great degree to the apparently remote connexion between the exertions of their friends, and the urgent claims of their suffering brethren. While they admired and embraced the principles of the American Anti-Slavery Society, while they perceived their measures to be well calculated to diffuse through the community not only a knowledge of those fundamental principles, which constitute the basis of our civil and religious liberty and social welfare, but to stimulate men to act on those just and holy principles ; yet they felt the operations of this committee in an especial manner to interest their hearts, and call forth the energy of their hands ; while they felt the pressure of the evil under which they had so long suffered, they felt too that hope deferred maketh the heart sick ; they saw their friends snatched from them by the merciless hand of the ruffian or gentleman slave holder ; they found the judge a ready agent to stamp the villany with the seal of law ; they found the great mass of society look on, if not with approbation, at least with unconcern ; they saw their friendless brother of the South, who dared to escape from the grasp of tyranny,

seized as a felon, and chained and driven back to torture and hopeless bondage for life ; they heard the cry of millions throughout the States go up to heaven, How long, O Lord, wilt thou not avenge our blood, while their cry excited only the scorn and contempt of their oppressors, and they saw on the side of the oppressor the unrighteous statutes of the land, and the powerful prejudices of society, and the iniquitous practices of the church, and the commercial interests of the world ; while but few instances of benevolent exertion appeared to relieve the gloom that surrounded them. While there existed no organized body of men who would stand as a refuge for the oppressed, as a rallying point, a centre of action, they found the assistance too uncertain, and their ultimate success too insecure to engage them in those strenuous exertions so requisite to the attainment of any important object. We all know by experience the powerful effects of sincere friendly co-operation in any enterprise, and especially when the mind has been previously depressed by long continued suffering, this friendly co-operation they needed, and never did a people respond more cheerfully, or more promptly to the call of their friends, than our colored brethren in this important work ; they feel it to be emphatically their work : every kind and benevolent feeling of their heart is called into exercise, every principle of humanity and honor, and even of self interest is aroused. No man that loves his brother or feels for his suffering fellow man, would stand aloof from this enterprise of benevolence ; but what colored man, who

knows the peculiar evils to which his brethren are exposed, will not rejoice to bring to their aid every resource within the range of his influence? and thus indeed we have found them efficient coadjutors. To them we have been principally indebted for funds, in them we find steady and uniform agents, and by their exertions, we trust this work will not only spread extensively in this city, but throughout the states. But while we thus commend the liberality of our colored friends, we must beg all others, and especially the abolitionists, to remember that we need their aid, their counsel and their contributions. We have, through the past year, been laboring not only without the assistance of many of our friends, but in the midst of their fears, and under the additional disadvantage that the subscriptions we need are generally supposed to be in behalf of the Anti-Slavery Society, to which our friends already subscribe. Many do not appear to distinguish between the two operations, but imagine if they subscribe to the one it is sufficient; but in no respect do we derive advantage from such contributions, having no connexion with the Anti-Slavery Society, and consequently need funds exclusively for this object; and indeed we may confidently appeal to the advocates of immediate emancipation for their aid, on the ground of mutual co-operation. How can the noble principles of the Anti-Slavery Constitution be more consistently brought into operation, than by the exertions of this committee! How often has the taunt of the enemy been thrown—what good do you do for the colored man? you talk of his right

to freedom, you condemn the prejudice existing in the minds of men against him, you disturb the tranquillity of the slaveholder, and render the lot of the slave more miserable, by your wild speculations ; but what relief do you afford him, and what exertions do you make to alleviate his sufferings ? In reply to these vain words, we say, as cordial adherents to the principles of immediate emancipation, let him come within the reach of our hand, and he shall rise to liberty and peace, and the light of truth, and the blessings of social life. We wish to bring into operation the principles of the Anti-Slavery Constitution in detail, in every individual case that may come within the sphere of our influence. To effect a mighty revolution, such as the general abolition of slavery, requires agents, and funds, and time, and influence, proportioned to the magnitude of the work ; but while we long and labor for the accomplishment of this noble cause, let us not lose sight of the minor evils, which tend in the aggregate to make up that monstrous system of iniquity ; let us in every case of oppression and wrong, inflicted on our brethren, prove our sincerity, by alleviating their sufferings, affording them protection, giving them counsel, and thus in our individual spheres of action, prove ourselves practical abolitionists.

Since the commencement of their labors, your committee have directed their attention to the following subjects :

1st. The arrival of persons (needing their aid and counsel) from the South and other parts.

2d. The arrival and departure of vessels, suspected as slavers, or having persons on board claimed as slaves, or who were in danger of being kidnapped and sold.

3d. The arrival and proceedings of slave agents and kidnappers.

4th. The arrest of persons claimed as fugitive slaves.

5th. The abduction of persons by kidnappers.

6th. The recovery of persons detained in the South.

7th. The recovery of property due to colored people by wills, &c.

In the prosecution of these subjects, your committee have had occasion in several instances to appeal to courts of law, although they have determined to avoid as much as possible that course, being conscious, that they labor under many disadvantages in such appeals, and at the same time fully aware, that they can better secure the welfare of those they wish to aid, by their private exertions.

The persons referred to arriving in New-York, may be classed as follows : first, persons brought as domestic slaves ; second, persons escaping from the oppressive laws of southern States lately enforced against free people of color ; third, persons who may have been slaves, and take refuge in the free states from the horrors of slavery. Those brought as domestics, are often kept a long time as slaves in the free states. It is a very prevalent error that there are no slaves in this state. But your committee have found many instances of persons having estates in the South, who

reside here, and keep slaves in defiance of the laws of the states. In the city of New York alone, these slaves must be very numerous, and we find it a common practice to remove them after a residence of several years to the South, and dispose of them as slaves in the markets. These servants are free by the laws of New York ; nor do we hesitate to say, that it is the duty, not only of your committee, but of every citizen, to inform them of that fact, and to aid them in securing their freedom. Among this class, your committee have happily been the means of effecting much good ; in some cases appealing to the slaveholders, and obtaining regular manumission, and in others obtaining the admission of the master that the servant was free by law ; and in all the cases which have come under our care, the accomplishment of our object, the liberty of the slaves, and their ultimate protection and safety.

Of the second class persons, fleeing from the oppressive laws of southern states, we would observe, that multitudes are now driven from the South, not only by the outrage of Lynch committees, but by the operation of the acts, passed in Virginia and some other states, for the expulsion of free people of color. These unfortunate refugees are generally unable to secure the little property they possess, are compelled to flee for safety in haste, and often without free papers. The design and tendency of these inhuman laws is, evidently, not only to secure the peaceful tenure of those who are now in bondage, without the dangerous example of freemen of color in a land of slaves, but also to reduce as many of the free as pos-

sible to slavery. Why the oppressive haste with which they are driven out? because they are liable by law to be sold as slaves if they do not escape by a given time, and we have proofs of their being thus sold; and not only so, those who flee are not secure. What means the numerous slave agents prowling over the free states? To find fugitive slaves? Aye, and to find fugitive freemen. These friendless strangers are well known to their ruthless pursuers who drove them out; they know their former place of residence, their circumstances, the names and ages of their family, the time of their removal, and every item necessary to substantiate their claim to them as slaves before our pliant judges; and as these poor people can obtain no trial by jury, can appeal to no higher tribunal, they may fall victims to the cruelty of the slaveholder, by the fiat of a single judge on ex parte evidence, a process that could not in common law secure the recovery of a dog. Many cases of this description have come to the knowledge of your committee, but as it is desirable to give a few facts in proof, we will cite a case lately before the public. We refer to the kidnapping of Peter John Lee, of Westchester, by a southern slave agent, aided by several officers of the city of New York. It is true they did not condescend to bring their victim before a judge, fearing probably the production of free papers; but it appears by the account given by his distressed wife, now residing in this city, that they were driven from Northampton, Va., some years ago, by the violence of the slaveholders of that place, who were determined to expel all free

colored persons. The following facts go to establish the truth of our assertion, respecting the operation of law and Lynch outrage against the free people of color at the South :

FREE BLACKS AT THE SOUTH.—We are informed by a person from the South, that measures are spoken of there, to expel the free colored population, by the imposition of such heavy taxes upon them, that they will be obliged to remove. Should this policy be adopted, it will operate to the great disadvantage of those who may be driven away by it, and who will be obliged to seek in other States a domicile that will hardly be allowed to them.—*Philad. Gazette.*

And in the item which follows, our readers will see the work of extermination is now begun. What are we coming to ? Where are these things to end ?

REPUBLICANISM.—A public meeting held in Brinkley's District, Somerset County, Md., on the 2d inst., adopted, among others, the following resolution :

Resolved, That all *free negroes* who shall not leave the said District on or before the 1st day of September next, shall be considered *as insurgents, and as opposed to the good order and well being of the white citizens thereof.*

THE THREAT ABOUT TO BE EXECUTED.—The Cambridge (Md.) Chronicle, of August 27, referring to the meeting at which the above resolution was passed says :

We noticed the meeting at the time ; but supposing it owed its origin to an excitement resulting from an exaggerated view of things, thought to hear no more of it. We were mistaken, however—it is the subject of an advertisement in Tuesday's Village Herald, setting forth that the resolutions adopted at the meeting will be carried into effect—that the free negroes remaining in the district will be expelled. Both the tone and the style of the advertisement seem somewhat calculated to excite surprise. We certainly did not expect such an emanation from any part of Somerset, knowing the deferential regard she has uniformly paid to the laws ; and we would be slow to believe that the publication in question, which concludes in the following exceptionable manner, could receive the sanction of any considerable number of citizens.

“ Judge Lynch will be in the district on the last day of this month (August) in order to commence his judicial services—we trust his associates will not be far behind him, as we presume his Judgeship will be crowded with business : we sincerely wish, however, that the free negroes (poor human creatures !) will not trust their cause to the ven-

erable Judge, but make their escape before he arrives ; for he will be compelled to do his duty, notwithstanding any law, custom, or usage heretofore practised in any of the courts of this state to the contrary."

THE EFFECTS OF SLAVERY ON THE FREE COLORED PEOPLE OF THE SOUTH.—Mary Morgan, of No. 59 *King-street, New-York*, widow of James Morgan, who died in the spring of 1834, with the small pox, says that she and her husband owned a farm of 250 acres of land in Pasquotank County, about five or six miles from Elizabeth City, North Carolina ; that they had hogs, cattle, and horses, and were well to live ; that they were both born free, as were both their parents ; that as many as six or seven years ago [before they had been provoked to it by northern abolition] a number of the lower class of the whites went about the country to disturb the free colored people ; that they frequently came into their dwelling, broke their table, and cups, and saucers, and beat James Morgan a number of times, sometimes with a club, at other times with a cowhide, and at one time so severely that his life was despaired of.

Some of the better class of whites called at the house, and said they thought he was so badly hurt he could not live. For a fortnight after, he was not able to cut a stick of wood. Seven places on his head were shaved to put on plasters, and his back and legs were also much bruised. So frequently were they attacked, that they had to leave their dwelling more than *one hundred* times, often in showers of rain. At one time, Mary was put on horseback, behind one of the ruffians, who rode off violently for about a mile, took her off, and placed her in a mud puddle up to her waist, in a dark night, and there left her to get out as she could. These things happened so frequently that the Friends, commonly called Quakers, (who were really friends to them,) advised them to sell their property and come to the North. Those who caused them to suffer, gave no other reason for their conduct, than that they were *free* negroes, and ought to go to the North, and that there was no law for free negroes in Carolina. Joseph Elliott, Thomas Elliott, and Aaron Elliott, of the society of Friends, were their near neighbors, and were often very kind to them, and did their best to prevent the abuse. Miles White, a merchant of Elizabeth city, knows this statement to be true ; other free colored people of that neighborhood suffered pretty much in the same way. They came to New-York, where her husband was taken sick, and died ; Mary and the children were taken to the Almshouse, where they staid about seven weeks, and were then turned out, penniless, and had it not been for the charity of some humane persons, they might have perished from want.

The farm in Carolina was sold for the small sum of \$350, which was soon eaten up by the expense of coming to New-York, and the maintenance of the family while here.

☞ Mary Morgan has to support, by *day's* works, *five* small children. The friends of the oppressed, who have any sympathy to spare, will do well to render her some assistance—at least, by furnishing her with work. No. 59 King-street is her residence.

Of the third class, those who escape from slavery, we have had numerous instances. As the individuals we refer to had not been claimed or proven slaves by legal process, we have felt it our duty to aid them, by securing them the means of support by their own industry, and thus rendering themselves useful members of society. And here we would take an opportunity to express our decided approbation of that feeling so generally prevalent in the free states; a feeling of disgust at the inhumanity of those who would send back the fugitive slave to the chains and scourgings of the task-master. There are few men so hardened against the claims of our common humanity, so utterly lost to the sympathy of nature, as to aid the slave agent in his work of blood. It requires those extraordinary samples of human depravity, which have lately disgraced our city, as police officers and judges, to accomplish such deeds, at which the mind naturally revolts. We find few men, even among those who would tolerate slavery, so destitute of feeling as to justify such acts, much less to aid in the perpetration of them.

The following account of the trial of Abraham Goslee, an alleged slave, will illustrate the nature of the justice and impartiality with which the Recorder of New York treats the colored man when charged with the crime of stealing himself:

THE SLAVE CASE—MOCK JUSTICE !—THE HABEAS CORPUS PROSTITUTED TO THE PROSTRATION OF LAW AND THE SUPPORT OF SLAVERY !!—THE CITY RECORDER THE TOOL OF SLAVEHOLDERS !!!—We have been furnished with the following report of the proceedings in this case, by Mr. Thomas Warner, reporter for the Daily Advertiser in this city. The proceedings took place before Richard Riker, Esq., Recorder of the city, beginning Aug. 29, and occupying the attention of the Court, by adjournment from time to time, eight days. We give these proceedings as an illustration of the kind of justice which colored men get at the hands of the Recorder of this city. They will amply repay an attentive perusal. The latter part of the proceedings—the issue of the Habeas Corpus, for the express purpose of defeating the law, and sending a human being into hopeless slavery, is exactly in character. The Evening Post, speaking of the account of this part of the proceedings, published in its columns, says :

“ The subjoined account of one of the tricks of the individual who officiates as Recorder of this city, is worthy of the special attention of our readers. It is difficult to speak in measured terms of such a gross prostitution of the forms of justice, such a shameless denial of the common rights of the parties. We hope that a legal investigation into the conduct of the Recorder will be had, and that he will be taught that he who is entrusted to administer the laws, is not himself above their reach.”

THE CASE.—*Jesse Collier* alias *Abraham Goslee*, had been arrested on the morning of Sunday, the 29th day of August, on process issued by the Recorder, in consequence of two affidavits which had been produced to him, and which were in substance as follows :

The first affidavit was sworn by the claimant, John F. Collier, who deposed, that he resided at Quantico, in the county of Somerset, in the state of Maryland ; that *Jesse Collier* is a slave held and bound to deponent in the village of Quantico ; that he was formerly bound to deponent's father, Francis Collier, now deceased ; that by an order of the Orphan's Court of the county of Somerset, he (*Jesse Collier*) was set apart for deponent ; that Francis Collier died in 1815, and that the said order of distribution was made in 1828 ; that *Jesse* was in deponent's employ until April, 1835, at which time he absconded ; that he was a dark chesnut colored man, about five feet seven or eight inches high, and was about 23 or 24 years of age ; that he had no particular mark or scar, and that he was coarse in his appearance and habits ; that no information was received of him until April, 1836, when a Mr. Holt, a neighbor of deponent, who was in the city, saw *Jesse*, and wrote to deponent to that effect.

The following is the testimony offered on behalf of the alleged slave :

On the first day's examination, *Samuel Hutchings*, a colored man, deposed : I am a stevedore ; I reside at No. 47 Oak street, and have been in this city for 28 years. I have known Jesse ever since the winter before the last, when I first saw him at a store in South street, and noticed him because of his having some difficulty with another man of color, on which occasion I took Jesse's part : that difficulty occurred by the side of a stove that had fire in it, because the weather was then very cold. I am sure it was not last winter, and believe it to have been between Christmas and the end of February of the winter before last.

Sarah Medes on the same day, deposed : I live at 149 Suffolk street, and take in washing. My husband drives a stone cart. I knew the prisoner as Abraham Goslee, and have known him since last July, two years, at which time he came to board with me, and has remained with me ever since. I have lived there five years, and am sure he has boarded with me for two winters.

On the second day, *Catharine Peel*, a colored woman, was sworn, and stated ; I reside at No. 149 Suffolk street, in the same house with Sarah Medes. I know Abraham Goslee, and have known him since he first came to that house. I have lived there since 1833. I first knew Abraham some time in the month of July, two years since. I know he has been two winters with Mrs. Medes ; the reason why I know he has been there for two winters is, because the first winter I was sick, and the Corporation gave me some wood, which Abraham helped my daughter to bring into the house for me. My daughter, who helped Abraham to carry in the wood, is 11 years of age. The dispensary doctor attended me in the January before the last, when my baby was born, and I was sick just at time. I know Abraham was there then. That child is dead and buried in Mr. Chase's burial ground. The child died the fourth of last May, and was 16 months old.

On her cross-examination, she stated : I am telling the truth, and am not mistaken. I am certain Abraham was there when my child was born, and for long before. There is a head stone or board at the head of my child's grave, which denotes the time it died. Dr. Leggett gave me an order for its funeral. I am sure Abraham is the man who was there. I have seen him nearly every morning since. I lived in the basement when I had the wood from the Alms House, which I have had for two winters, that is last winter and the winter before. I was not sick last winter, or at all events not so sick as to lay by. The child was sick last winter, and I was up several nights on account of its sickness. Abraham did not help my daughter carry in the wood last winter, although he split some for me last winter, but Uncle John helped me to carry in the wood last winter. I am sure I am not mistaken about Abraham coming there before I was put to bed.

On the same day, Dr. *Stephen Browne* deposed : I live at No. 8 City Hall place. I have seen the boy who is here, and who is called a slave.

I visited him in prison yesterday, at the request of some gentlemen, and examined his person, to see if he had any marks, scars or peculiarities about his person. I found a large scar on the outside of his left thigh; it seemed like the result of a burn; it had two points, and was about an inch in diameter—it seemed of long standing—it was not a cut—he has also a scar on his right hand, between the thumb and wrist, caused by an affection of the skin, and is peculiar in its nature; he may have had it for ten years, and it will last him his life time. The scar on his thigh is easily discovered. I do not know if it would strike the sight of a person who saw him naked, although it is very evident.

The next day the Recorder submitted to the counsel the following questions in writing, which he stated it was his intention should be solemnly argued before him, previous to his final adjudication of the case.

1st. After the claimant of an alleged slave fixes deliberately the time of his escape from servitude, and the alleged slave goes into his defence, can the judge, consistently with the law, allow the claimant to alter the time of his escape?

2d. Is the admission or confession of the alleged slave sufficient evidence to convict him as a slave, or does the same rule of law apply, as in cases of felony, where the confession of guilt is not sufficient, without first showing the felony to have been actually committed?

His honor stated, that he should wish them to discuss these points among themselves, and communicate the result to him, previous to his giving his decision, which would be in writing.*

Previous to proceeding with the evidence on the third day, Mr. Sedgwick, on the part of the alleged slave, objected to the present course of proceedings which he declared to be unconstitutional, and contrary to the act of Congress. He then proceeded to read from Bioren and Duane's edition, chapter 152, volume 3, page 331, as follows:

"And be it further enacted, that when a person, held to labor, in any of the United States, or in either of the territories on the northwest or south of the River Ohio, under the laws thereof, shall escape into any other of the said states, or territory, the person to whom such labor or service may be due, his agent or attorney, is hereby empowered to seize or arrest such fugitive from labor, and to take him or her, before any judge of the circuit or district courts of the United States, residing or being within the state, or before any magistrate of a county, city or town corporate, wherein such seizure or arrest shall be made, and upon proof to the satisfaction of such judge or magistrate, either by oral testimony or affidavit, taken before and certified by a magistrate of any such state

* The above questions were never argued, because the first was rendered unnecessary, inasmuch as the claimant did not alter the date of the alleged absconding. As to the second, it was found in a case which was cited from Wheeler's Criminal Cases, (a reference to which will be found hereafter) that his honor had there determined that the confessions of a slave, or a person charged with being a fugitive slave, were inadmissible.

or territory, that the person so seized or arrested doth, under the laws of the state or territory, from which he or she fled, owe service or labor to the person claiming him or her, it shall be the duty of such judge or magistrate, to give a certificate thereof to such claimant or his agent or attorney, which shall be sufficient warrant for removing the said fugitive from labor, to the state or territory, from which he or she fled."

Mr. S. contended, that if the state law was at variance with the act of Congress, the latter must be the guide—that in the portion of it which he had read, it was required that slaves who were claimed as fugitives, should be apprehended and examined, on evidence which had been taken before some magistrate of the county or place, from which they were said to have absconded, which had not been done in this case. This position, he contended, was supported and illustrated by a case which was to be found in vol. 1st, page 383, of Wheeler's criminal cases, and was the case of one Stephen, a mulatto slave, which his honor himself had decided.

Mr. S. in further support of the propriety of such a course as the act of Congress had laid down, instanced the law relative to crime, where a jury, who had to try the matter at issue, were compelled to be persons in the vicinity of the alleged offence, and who possessed advantages consequent on their locality, and that in this case, if Jesse Collier had been first subjected to an examination at the place where it was said he had lived, it might happen that he could there prove, by his neighbors, that he was a freeman.

The Recorder said he thought it would be dangerous to receive such evidence, as how could he in that case tell the identity of the man, whose name might be mentioned in the proceedings taken in another state? And added that he should proceed with the evidence, and would reserve the point mooted by Mr. Sedgwick, which he did not think, he said, was the right reading of the act of Congress, although Mr. S. appeared to support his view with tolerable tenable arguments.

On the fourth day, after the whole of the evidence, which the claimant had to offer, had been taken, Mr. Sedgwick stated he should offer the Recorder evidence, that the man whom they now had in custody, is a free man, and proceeded to quote the law of Maryland, under which he had obtained his freedom, (vol. 3 page 234, section 6, of the laws of Maryland,) and then produced a certificate of freedom, of which the following is a copy.

"MARYLAND.—Whereas application has been made to me, the subscriber, clerk of Somerset County Court, by a man of color, named Abraham Goslee, for a certificate of his freedom, according to law :

I do hereby certify, that it appears to my satisfaction, that the said Abraham Goslee, is entitled to his freedom, he being the son of a free woman of color of said county. He is five feet 3 inches in height, and of a dark chesnut complexion,—he has a scar on the right hand be-

tween the thumb and wrist, and one on the outer part of his left thigh ; he is about 23 years of age, and a native of Somerset county aforesaid. In testimony whereof, I hereto set my hand and affix the seal of said county court, this 12th day of June, anno domino, 1832.

[L. s.]

GEORGE HANDY, CLERK,

Somerset County Court."

On resuming the case on the sixth day, the counsel for the claimant, with a view of saving further trouble, proposed to the opposite counsel, that they would prove the voluntary confession of the prisoner himself as to his guilt, and thus dispense with further testimony.

Mr. Sedgwick of counsel for the prisoner, arose quite indignant, and stated that he had received information which had quite surprised him. The counsel on the other side, with the claimant, had undertaken to subject the prisoner to an examination while in prison, when his counsel were not present, and by thus taking advantage of him, had entrapped him into an admission.

The opposite counsel replied, that he had visited the prisoner, accompanied by Dr. Yates on Friday night, but that the admission had been made before his arrival.

Mr. Sedgwick protested against such proceedings, and could not suppose for a moment, that they would persist in them. He wondered how they could suppose it possible that the admission of a prisoner taken under such circumstances would be considered as evidence.

It was then stated on the part of the claimant, that the officers of the City Prison, had said that Collier had stated to them, good reasons why he had run away.

The Recorder observed, that all admissions received from the accused must be entirely voluntary.

Mr. Sedgwick contended that the prisoner, under such circumstances, was not a free agent, and that it was impossible for him to make a voluntary admission while in prison. The learned counsel in support of his argument, referred to a well known principle of English law, which had decided that even a *cognovit* signed by a debtor in prison in the absence of his counsel, was not valid, because under those circumstances, he may be influenced by fear or hope, and cannot be said to act voluntarily or as a free agent. This principle had been recognized by the English people, who had ever been jealous of their liberties ; and he was sure the Americans would never have it said that they were a whit behind the English, or that they were less jealous of their privileges. Now, he would ask them, if a simple *cognovit* could not be taken in prison in the absence of counsel, how could they think for a moment that the evidence of the prisoner, elicited under such circumstances, could be admitted against himself ? He did not like the idea of the opposite counsel bringing forward evidence that would shock the community, by saying that they had examined the prisoner while in prison, with his *claimant* by, instead of his *counsel*.

The opposite counsel here proposed to prove the admission by the testimony of the officers of the prison.

Mr. Sedgwick protested most vehemently against any such testimony whatever, which was said to have been given in prison by the prisoner in the absence of his counsel. Such proceedings were most unfair, and unprecedented. He therefore would protest against such a measure, by all that was sacred, and in the name of liberty and of law. In regard to a case of felony, given the other day, his honor had decided, that the confession of a felon could not be taken without proof of his guilt. If the law did not throw its shield around the man, where was his protection? Here was a case which had been going on a considerable time; witnesses had been examined on both sides before a magistrate to whom it was referred for adjudication. But on the last day of the trial, the counsel for the claimant came forward and wished to settle it at once, by introducing the alleged voluntary admission of the prisoner himself, under the circumstances of his confinement! Here was a man under their absolute control and dominion, and they tell him while in prison that they purpose carrying him back, and that any further resistance, on his part, will meet with its proper retribution. Whether they said it or not, the very interview with him under such circumstances, amounted to the same thing: and for them to say, that admissions made as it were, under the influence of threats, were voluntary, was ridiculous. He contended that the principle was monstrous. If the testimony were admitted at all, it must be proved to have been voluntary. But for the sake of argument, supposing the prisoner to be the slave, with all the terrors hanging over him, and with the prospect of the indignation of his supposed master, what could the admission have been made for, but for the purpose of securing to himself some mitigation of punishment? Could any prisoner under such circumstances, surrounded by officious officers, acting under the direction of the claimants themselves, be said to make a voluntary declaration?

The Recorder observed, that he thought the counsel themselves, by conversing with the prisoner, might soon ascertain, whether he was the slave or not, and he felt sure, that if they felt convinced he was guilty, they would not for a moment attempt to withhold him from his master.

Mr. Sedgwick replied that he contended for nothing but what he had a clear right to in law, but he would protest that the claimant had not a right to take the prisoner away unless he could make his claim appear good, according to the forms of law, and the rules of evidence.

Mr. Corse stated that he had plenty of witnesses who would prove that the prisoner was in this city the winter before last.

Mr. Willard observed, that from the remarks made by the opposite counsel, they evidently began to feel themselves collared up pretty closely. They had to come there that morning, and finding that they had no advantage, they were willing to allow the officers to commit perjury, by

swearing that the prisoner had made a confession ; but he would ask his honor if he would take evidence under such circumstances, when such strong inducements existed to commit perjury ?

Mr. Sedgwick said he would undertake to satisfy his honor, upon every principle of law and evidence, that the prisoner was in the city of New York in the fall of 1834, and long before 1835. The learned counsel then cited a number of authorities in relation to admissions made in prison, and among others, referred to a very conclusive one in Archibald's Criminal Proceedings, page 117, which showed clearly that the confession of Collier, supposing it to be true, was not admissible. According to the statement of the opposite counsel, they alleged the prisoner was a *slave*. He would take them on their own ground, and show, that they themselves had proved that the prisoner's admission could not be taken ; for by law, "a *slave* is held incapable of performing a voluntary act," and therefore, the fact of their claiming him as a *slave*, at once shut out the admission, supposing it to have been made. The evidence of a slave could not be taken in his favor, and by the same rule it could not be admitted against himself. He then adverted to cases in the Superior Courts of a similar nature, where the testimony had been conflicting, and which had been referred to juries for decision. During the present trial he had been requested to take measures, with a view of having it also carried before a jury, but he hoped the other party would not compel him to take further proceedings, by persisting in the course they had suggested. He concluded by wishing his honor to note his objection, which was, "*That the counsel for the claimant offered the declaration from a man whom they claimed as a slave ; and that a slave by law is not considered capable of making an admission, or performing a voluntary act.*"

His honor decided that the testimony should proceed.

On the seventh day the case was resumed by his honor, expressing it as his opinion, that the certificate of freedom which had been produced, could not apply to the man in custody, because it spoke of the man as five feet three inches, whereas the person who had been before him was at least five feet eight, and notwithstanding the evidence of Dr. Browne, he (the Recorder) could not believe that he would have grown five inches subsequent to the date of the certificate, and went on to add that if he was really free, he had no doubt that the judges of Maryland would be happy to order him to be given up, and finally that by virtue of his oath, he must and would support the Federal Constitution, which, among other things, required that persons held in service in one State, should be given up if they went to another.

Mr. Corse observed, that if the man were given up to the claimant, it was doubtful if he ever would see Maryland.

His honor replied that the claimant had solemnly promised he would not ill treat the slave if he was given up.

Mr. Sedgwick inquired whether his honor would pin his faith to the sleeves of the judges of Maryland.

His honor then observed, that in his opinion the certificate of freedom had either been given with a view to impose on him, or that it did not refer to the prisoner, on account of there being five inches difference in the height.

Mr. Corse then commented on the difficulty they found in getting persons to attend as witnesses on behalf of the alleged slave, on account of the Recorder having stated that he had not the power to issue a summons or subpoena, to compel their attendance.

The Court then adjourned until 2 o'clock, P. M.

On its re-assembling, it appeared that in the intervening time, a writ of "*homine replegiando*" had been issued on behalf of the slave, and lodged with the Sheriff, for the purpose of removing the proceedings into the Supreme Court of the State, which Mr. Corse proceeded to remark had been done because the Recorder had intimated that his present opinion was in favor of giving him up to the claimant, and as he the Recorder, could issue no process to compel the attendance of the remaining witnesses, whose evidence he Mr. C. believed would change the Recorder's views of the case. The writ in question had been issued, therefore, with a view of bringing the matter before a jury, who could be enabled to hear all the evidence.

The Recorder intimated that he had a doubt whether the Supreme Court could or would take up the matter at all or not, and went on to say that he had made out the certificate for the delivery of the slave; if the claimant's counsel would consent, he would hold it for two days, and not deliver it until the judges of the Supreme Court could be conferred with, so that it might be thereby known whether the Supreme Court would take cognizance of it or not.

This course was ultimately adopted.

Mr. Corse also intimated to the Recorder that if the Supreme Court refused to entertain the case, that he should then want his honor to hear further evidence before he gave up the slave. His honor, however, stated it as his opinion that he could not do that, inasmuch as the lodging of the writ of "*homine replegiando*" closed the case with him, and that he had no power afterwards to open it.

The proceedings of the last day took place in the Court of Sessions, after the termination of the ordinary business.

No answer having been received from the Superior Court, the Recorder had previously given to the claimant a certificate that the "prisoner owed him service," &c.;" and authorizing him to take the former away as his slave. On this certificate being presented to the Sheriff, he refused to give up the prisoner, on the ground that the writ of *homine replegiando* held him responsible to the Superior Court for the person of Collier. The claimant then offered to indemnify the Sheriff

as to the consequences, but the indemnity not being considered satisfactory, the Sheriff persisted in his refusal.

The following account of the case at this stage of the proceedings, was prepared by a legal gentleman present, and published in the *Evening Post* :

TERMINATION OF THE SLAVE CASE.—“The writ of *homine replegiando* which was issued in behalf of Abraham Goslee against John F. Collier, was served by the Sheriff. The alleged fugitive was consequently in the custody of the Sheriff.

The Revised Statutes direct that in such case he should remain in custody, unless bailed, until final judgment by the court out of which the writ was served. To defeat this object a writ of *habeas corpus* was issued by the Recorder, commanding the Sheriff to have Abraham Goslee, alias Jesse Collier, *before him the Recorder*, (not before the court,) instantly, at the Court of Sessions. The court had concluded its business. There does not appear to be any reason for returning the writ then, unless to give an opportunity to act upon it before the counsel of Abraham could be apprised of it.

This man was brought up by the officers, accompanied by some persons attending in behalf of the claimant, and the instant they came into court, and the Sheriff's return to the writ was read, the Recorder declared that the Sheriff had no right to detain the man in custody. Mr. Sedgwick, of counsel for the alleged fugitive, rose and claimed the right of being heard as counsel for the prisoner. The Recorder decided instantly, and the man was immediately withdrawn from the court, and almost before the few words, presenting this solemn claim of the counsel could be uttered, the man was out of sight.

Mr. Sedgwick then inquired of the Recorder what order had been given, and stated that it was proper that the decision, or order, should be in writing. And he remarked, at the same time, that if the Recorder should decline to put it in that form, it was of such a nature that it would necessarily find an imperishable record.

His honor, therefore, requested a gentleman of the bar, who was sitting in the clerk's desk, to draw an order, the man being then on his way, and in full speed towards the boat in waiting, as was afterwards learned, to transport him to a vessel waiting in the stream.

While the order was drawing up, Mr. Sedgwick requested the Recorder to have an entry made of the fact, that application had been made that counsel should be heard in behalf of the prisoner, and that it had been denied, which his honor refused.

The order was then drawn, with an order to the Sheriff, *which the Recorder declared he would himself deliver to the Sheriff*. And all this after the Sheriff had departed, and the man had been in fact delivered over to the claimant.

It remains to be seen how the writ of *habeas corpus* could be made to subserve a purpose the very reverse of that for which it was design-

ed. From the nature of the case, it was necessary that the prisoner should be *set free*, or remanded to custody. If he was set free, no man had a right to restrain him of his liberty. If he was not set free the Sheriff was bound to retain him in custody.

But mark, the Recorder, after the writ of *homine replegiando* was issued, had given the claimant, contrary to the statute, a certificate that it had been satisfactorily proved that the fugitive owed him labor and service, for the purpose of authorizing his being carried to Maryland. To effect the purpose of the claimant, it became necessary, therefore to get the man out of the Sheriff's custody into his own. For this, the Recorder decided that the Sheriff had no right to detain the man, and afterwards had an order drawn up as before stated to that effect.

The writ of *habeas corpus* referred to, must not be confounded with that of the same name issued by the Recorder in the first instance, when the proceedings were commenced. That writ is presented by the same statute which authorizes the *homine replegiando*. The Recorder acted under that statute just so far as suited the purpose of the claimant, and no farther. The writ of *habeas corpus* under which the man was delivered up finally, was a writ under the statute relating to the writ solely, or at common law. The common law knows nothing of the writ of *habeas corpus*, for the purpose of delivering a slave to his master.

The statute supposes the writ to be issued FOR THE RELIEF OF THE PRISONER. It was used, as has been seen, against his will, and to deprive him of liberty.

Comments would perhaps in the present state of the case, be improper. The facts speak for themselves.

The public have a right to know how and for what purpose the writ of *habeas corpus* consecrated by its association with the history of liberty has been employed.

Now though our doctrine to the injured is, "resist not evil," we cannot omit to expose and bear our testimony against the high handed injurers—and particularly of the City Recorder—for he, in our judgment, is the guiltiest of the whole, and most deserving of public execration. What are the facts in the case? Simply these—the higher courts, in the face of justice and of the Constitution, have declared that in this State, color is the badge and evidence of slavery, and that the colored citizen is therefore not a citizen, and not entitled to a jury trial on the question, of all others most important to him, that of his freedom. The result is, that in this city, the Recorder is the only protector the colored people have for their liberties. Sixteen thousand human beings, in this single city, thus hold their liberties by no tenure but that of the discretionary decision of the City Recorder. By the decision of the higher court, the Constitution, the right of trial by jury,

every thing essential to the security of freedom, is cloven down, and the liberties of the entire mass are delivered over into his hands for safe keeping. It is only for southern kidnappers or their northern agents to assert a claim to the liberties, the body and soul of every colored man, woman, and child, in the city, and forthwith the question is tested, and the fact brought out, that it is for the Recorder to say whether they shall or shall not be free. If reckless and base enough, he may, at a moment's warning, on the testimony of kidnappers only, and without allowing the injured time, or testimony, or counsel, hurry every one of them off into hopeless and perpetual bondage. Not a free person of color in the entire sixteen thousand that may not, in the "hot haste," and reckless, and marble-hearted precipitancy of the Recorder, be plunged at once into unmitigated and hopeless thralldom.

Now, with the liberties of sixteen thousand in his hands for safe-keeping, what does the Recorder do? Is he true to the sacred trust? Does he act as though such fearful responsibilities were resting on him? A man—with the stature, form, attributes of manhood, is brought before him. A southern kidnapper makes oath that he is his slave. The man protests himself free—averts that he can prove his freedom—begs for time to procure witnesses and counsel. There he stands, the representative of sixteen thousand, equally liable to such arrest, and what does the Recorder? Give him the time, the witnesses, the counsel? Treat him as the representative of thousands whose liberties are at issue in this and every similar case? Not a word of it.

With these fearful responsibilities on him, the only days-man between the claim of the kidnapper and the bondage of the entire sixteen thousand, he proves false to his trust, joins hands with the kidnapper, gives up the man with a "hot haste" and mad indifference, and on such evidence, as make his surrender a practical surrender of the liberties of the whole. Instead of protector, he becomes the betrayer of the liberties of those he is set to guard. Now, we say, that the man who can act in such utter disregard of official responsibilities, as well as of the claims of common justice and common humanity, is the guiltiest of the guilty. He ought to be deposed from office forthwith, and covered with the shame that such treason to the liberties of the free merits.—Why, there is not a pig that grunts along the streets, that would be given up to a claimant, without giving the owner more time and better opportunity of self defence. And shall a public officer give up men, sign the death warrant of their liberties, and deliver them to hopeless bondage in this manner, and the community not wake up to the indignity and the outrage? We trow not.

IMPORTANT DECISION.—The Philadelphia "Friend," states that a recent trial of a negro man and his family, arrested as fugitive slaves, before the Supreme Court of New Jersey, has resulted in the discharge of the prisoners, and the establishment of some important principles in relation to the arrest of slaves in free States. The trial was a long and deeply interesting one. David Paul Brown, the eminent abolition lawyer of Philadelphia, and Theodore Frelinghuysen, were counsel for the fugitives. Chief Justice Hornblower expressed it as his decided opinion, that the law of Congress regulating the arrest of fugitive slaves is unconstitutional, because no power is given by the Constitution to Congress for legislating on this subject. 2. That every person, white or black, free or slave, was entitled to a trial by jury in New Jersey.—3d. That the color of a person should no longer be considered as presumptive evidence of slavery in that State.—[*Essex Gazette*.]

That many vessels arrive in the port of New York, with slaves illegally held, by captains and passengers, is fully established by the experience of your committee. These slaves are quite ignorant of the laws of the United States in their favor, and equally unable to avail themselves of the benefit of these statutes, if apprised of them; some of these slaves are brought direct from the coast of Africa, others from the West Indies, South America, and other foreign ports, and many from the Southern States. The ordinary course adopted by foreign captains and others, is to re-ship them for the South, where they obtain a ready market for them as slaves. In several manifest violations of the laws of the States, your committee have commenced suits in the United States' Courts, but by the influence of pro-slavery sentiments, they have failed in obtaining a verdict against the parties. Some of the more prominent cases are the following: Capt. Shallitoe, against whom a suit is still pending, has, at various times, brought Africans direct from the coast to this country, and held them as slaves. The present prose-

cution of this individual, by your committee, is for wages and compensation to Quasele, a native of Africa, brought by the Captain to this country, where he held him as a slave till he came under the notice of your committee, being found nearly frozen in the street last winter : this case is confidently expected to terminate in obtaining a remuneration for his services.

About two years ago, a passenger brought a young man from Martinique and held him as a slave in N. York. A few months since, he was about to sail for N. Orleans, and ordered the young man to prepare to go with him, but he being fearful that his master intended to sell him, applied to your committee for advice. On learning the facts of the case, they assured him he was free, and immediately took a writ of replevy to recover his clothes, and commenced a suit for his wages, which his master evaded, by secreting himself till the vessel sailed.

The brig *Brillante*, now lying in this port, is a renewed proof in point. This vessel according to the testimony of several of the crew, and the evidence of several other persons acquainted with her, here and in other ports, is a regular slaver, although of smaller dimensions than usual. She brought slaves on a late trip from Africa to Rio Janeiro, and had on board five native Africans, when she was admitted to an entry in this port, the laws of the United States expressly prohibiting the introduction of these men ; forbidding the vessel an entry, and rendering the captain and owners liable to a penalty and the confisca-

tion of the vessel ; your committee commenced a process against the captain, and held him to bail for the offence ; he was, however, released, after an *ex-parte* hearing before judges. The following statement will fully illustrate the case :

THE FOREIGN SLAVE TRADE REVIVED, AND NEW YORK A SLAVE PORT.—We have now to call the attention of our readers to one of the most atrocious perversions of justice and law, we have ever known. Corrupt as we know our courts to be, especially where the rights and interests of colored men were at issue, we had not supposed them so utterly regardless of law and of right, as they have now proved themselves to be, in the case we are about to detail.

Before entering on this case, however, we deem it important to state the following facts :

1. Within a few months, the *St. Nicholas*, a suspicious looking vessel, came into this port. One circumstance after another, soon made it manifest, that she was a slaver. Complaint was lodged, in due form, with Mr. PRICE, the District Attorney. Process was issued. The evidence was deemed insufficient, and the Captain and vessel were discharged. The vessel obtained her outfit, left the port, colors flying, and in a few weeks was captured, on her return voyage from Africa, *with slaves on board !*

2. Still more recently, the "*Brig Governor Temple*," came into this port, from the coast of Gambia, with *thirteen* native Africans on board. Again complaint was made to the District Attorney. He was informed that there was reason to fear they would be smuggled away to the South as slaves ; that three of them, on some pretence, had already been sent there, and some action was sought to secure the liberty of the others. The heartless reply was, " Well, if they have gone to the South, that's their misfortune," and *no action was taken !*

3. A gentleman in this city, whose name we are not at liberty to mention, an owner of Texan lands, informed a member of our Executive Committee, a few months since, that another gentleman, in this city, also an owner of Texan lands, had, a short time previous, formally proposed to him to invest funds in a ship to go into the slave trade from Africa to Texas, assuring him that an *immense profit would be realized on the investment !*

4. The New Orleans Bulletin of Dec. 10, declares "on high authority, that the Texan government intends entering a formal complaint to the Cabinet at Washington, against the practice, pursued by *American citizens*, of introducing into their territory, *in vessels belonging to the United States*, negroes, coming from *other quarters* than this Union ;

and further, that their minister at Washington, will be instructed to ask of our government, that a vessel be ordered to cruise along their coast, to prevent such introduction, and also that a small force be stationed at the mouth of the Sabine, to guard against their being *landed on the coast of the United States and immediately transferred to the Texan territory*—thus publishing it to the world, that the foreign slave trade is extensively carried on from Africa to Texas, “by AMERICAN CITIZENS,” and “IN VESSELS BELONGING TO THE UNITED STATES!”

With these facts before them, our readers will not deem it incredible or strange if some “American citizens” should be found in *this city*, who as owners or otherwise are directly concerned and deeply interested in the prosecution of this abominable traffic. Nor will they think it strange or unnatural that such citizens should attempt the outfit of such vessels from this port, and take every possible method, on account of the severe penalties of the law, to conceal their object, and in case of detection, to render the law, by evasion and in other ways, a practical nullity. On the contrary, it would be strange and unnatural if they did not do so, and in case of necessity, go so far even, as to attempt to put out the eye and sear the conscience and pervert the judgment and palsy the arm of judicial and executive power, by some influence behind the throne. Whether it has been so in the case to which we now invite attention, we shall leave our readers, in view of the facts, to decide.

CASE OF THE BRIG BRILLIANTE.—This brig arrived in this port December 3d. It was soon ascertained that she had five colored men on board who were slaves. One of the white seamen also, without knowing the object of the inquiry, stated expressly to Mr. Ruggles, that the brig was a regular slaver, and had come here for an outfit. Accordingly on the *morning* of the 10th, information was lodged by Mr. Ruggles, with the District Attorney, Mr. PRICE, that a brig of the above name was lying at the foot of Market street, that there was every reason to believe her a regular slaver, that one of the hands had so stated, and that there were five colored men on board, who said they were slaves, and belonged to the Mayor of Rio Janeiro.* This, be it remembered, was on the *morning* of Saturday, the 10th. Nothing was done on that day by the District Attorney. The next day was Sabbath. On Monday morning, Mr. Ruggles called again on Mr. Price. Mr. P. said he would attend to it. An assistant in the office directed Mr. Ruggles to get the Captain's name if he could, and added that he was going to the custom house, and would see if he could get it there. Mr. R. called again. The Assistant Attorney took him to the Marshall's office, and requested Mr. Rapalje, the Deputy Marshall, to attend to the case. The reply was, “I have not time to attend to it now ; You have not

* The slaves insisted to the last, that they belonged to the Mayor and not to the Captain.

got the Captain's name ; I'll see about it ; You had better call to-morrow." Mr. Ruggles said, "But she may be gone." "Well, get all the facts you can and call at my house this afternoon." This was done, and the Deputy Marshal was "not at home."

Tuesday morning the 13th, the following notice appeared in the New York Sun.

A SLAVER IN OUR PORT.—We yesterday received a communication from a source which warrants us in making public its purport, in which our attention is directed to a vessel now lying at the foot of Market street, the name of which—though she displays none—is the *Brillante*. Our correspondent states that she is from Rio Janeiro, bound to Africa on a slaving expedition, and has put in here for stores. Her captain, mate, and five white seamen, are Portuguese ; and she has also on board five slaves. He also states, that his knowledge of the character of the vessel, and her present expedition, was derived from information communicated to him by *one of the hands*, and which is confirmed in his mind by a personal visit to the vessel, made yesterday. We do not, of course, presume to vouch unqualifiedly for the correctness of our correspondent's assertions, nor that he may not be mistaken—but we do say that we have sufficient confidence in them, to warrant us in calling the attention of the proper authorities to the matter.

This, if it did not arouse the "proper authorities" to a sense of duty, seems at least to have disturbed their tranquillity. Accordingly, when Mr. Ruggles called again on Tuesday, to see what had been done in the case, the Deputy, rather uncivilly, showed him the door ! Our readers can form their own opinion of the reason. Mr. Ruggles' account of the matter in the *Evening Post* of that day is as follows. After stating that the "proper authorities had been acquainted with the fact, that the vessel had been in port three days," and yet taken no action upon it, he adds :

But this morning, after the "Sun" had shown upon the floating sepulchre, and exposed to the open gaze of the world, its rottenness, (containing living "men's bones and all uncleanness,") they saw the whole thing just as plain as day, and the person above alluded to was so astonished at the sight of that black spot in that luminous body "the Sun," he shut his eyes and clenched his fist, and gnashed his teeth, and said to the informant, that "vessel is in the Sun !" "go out of MY OFFICE !"

At length, in the course of Tuesday, process was issued, the Captain, Joas Evangeliste de Souza, was arrested, and for want of bail, was lodged in prison. The bail demanded was \$5000. The slaves also, but none of the other hands, were taken into custody to be used as witnesses.

On Friday, the 16th, the case came before the U. S. District Court, Judges Thompson and Betts, for decision. The counsel for the U. S.

were the District Attorney and Mr. Jay; for the defendant, Messrs. Morrill and Staples. The report of the case in the Journal of Commerce is as follows :

The case was now brought before the Court on a writ of *Habeas Corpus*, and an affidavit of the defendant read, which stated that he was a subject of the Brazilian Government, from whom the vessel and five slaves which he brought here had been purchased ; that he came here with a cargo of coffee, wine and sugar, consigned to the house of Souza, in this city ; that he arrived here on the 3d of December ; that after discharging the vessel's cargo, she was taken to the Dry Dock to be repaired, and whilst there, the greater part of a cargo was engaged for her, to carry to Rio Janeiro ; that since her arrival here the slaves had not been employed in any work except what their duties as seamen required ; that on the 13th inst. the defendant had been arrested on the affidavit of a man named Martin, who deposed that defendant had brought slaves into this State *to hold them to labor*, which defendant totally denied, and maintained that they had been brought as *bona fide* seamen, to load and unload the vessel and to work her at sea.

The defendant protested against his arrest as illegal, and contrary to the treaty made between the government of the United States and the government of the Brazils, dated 12th of December, 1828, which provides that the subjects of that government shall be treated on the footing of the most favored nations.

The case was ably argued by Council on both sides, after which Judge Thompson referred to the different statutes having reference to the subject, and said that the case shown by the defendant, *admitting it to be true*, did not come within the meaning of the laws of the United States, which prohibited the importation of slaves, &c.

The report in the Sun states, that the Captain deposed "that he had no purpose either of *disposing of them* [the Slaves,] or putting them to labor here ; and that he was here on a legal mercantile voyage, had taken in his cargo, and was prepared to return to Rio Janeiro. Mr. Price, the District Attorney, *did not attempt to introduce any testimony in contradiction of de Souza's deposition, nor oppose the motion of his counsel* ; and their honors deciding that there was no ground for his further detention, ordered him to be discharged.

We have taken pains to examine the Captain's deposition, which is on file in the Clerk's office, that we might assure ourselves of the correctness of the reporters ; and we find, that he deposes that his vessel was consigned to the house of "L. C. A. De Souza" of this city, that the slaves, whose names are Antonio, Demingo, Jose, Joas and Pedro, "form a part of the crew of said vessel, and are continued on board for no other purpose than performing the duties obligatory upon them as the property of deponent, and further that said slaves were not brought into the United States, in this state, from any foreign kingdom, place or

country, or from sea, *with any intent to hold the same to service* within the United States, or in this state, or to sell or otherwise dispose of, but only as bona fide seamen and as the property of deponent."

Our readers will see that the specific charge, on which the Captain was arrested, was, not that, in the language of the law, he had brought these men here "with intent to *hold*, sell them, &c." himself, "as *slaves*," &c. but that he had done it "with intent to hold them to *service*" simply, "or to sell," &c.

The decision of Judge Thompson was as follows. The passages in brackets have been inserted by ourselves, to show that if the decision or the arrest had been according to the *letter* of the law, the Captain must have been convicted. Whether the *intent* agrees with the letter remains to be seen.

UNITED STATES' CIRCUIT COURT.

The United States, }
vs. }
 Joas E. de Souza. }

Opinion of Judge Thompson,
 Dec. 16, 1836.
 On motion to discharge the prisoner.

The persons brought in here are admitted to be slaves and negroes; and throughout all the slave laws no other persons but negroes or mulattoes are mentioned.

The argument therefore as to white slaves is out of place. The captain swears he is a Brazillian; that the persons spoken of are his property and slaves, that he came here from Brazil, temporarily, intending shortly to return and take his slaves with him, does not intend to hold them here [as slaves or] to service or labor himself, or sell or dispose of them [as slaves] to another [or to be held to service or labor by that other] which is not denied on the other side.

The treaty has nothing to do with it.

We think that the 1st section of act 20th April, 1818, has an important bearing on the 6th section, and that the 8th section of the same act has the same bearing on the 6th section. Nearly the same phraseology is used in the 1st section as in the 6th, and amounts to an absolute prohibition. The only difference between the phraseology of the 1st and 6th, are the words, "or from sea."

The 1st section makes it unlawful "to import or bring into the U. States, &c. [in any manner whatsoever] any negro, mulatto, or person of color with intent to hold, sell or dispose of any such negro, mulatto, or person of color, as a slave, or to hold to service or labor," &c.

The 6th section makes it unlawful "to hold, sell, or otherwise dispose of any such negro, mulatto, or person of color, so brought in as slaves," &c. That is to say, brought in as described in the 1st section, "*with intent* to hold, sell, or dispose," &c.

If this vessel is here only temporarily, and these men *seamen* on board, they certainly do not come within the provision of the 1st and 6th sections of this act.

And the 8th section favors this construction, to wit: "That the negro, mulatto, or person of color which he shall be charged with having brought in, or with purchasing, holding, selling, or otherwise disposing of, and which, according to the evidence of the case, the said defendant or defendants shall have *brought in as aforesaid*," &c.—That is say, brought in as described in the 1st section, "*with intent to hold, sell, or dispose*," &c.

We think, without going deeply into the subject, that under the circumstances in this case, there is *no bringing in, no holding, and no selling*, &c., within the meaning of the act.

The Captain must therefore be discharged.

This was on the 16th. The same day Mr. Rapalje, Deputy Marshal, went to the debtor's prison and informed the keeper, Mr. A. B. Fointain, that the five colored men were discharged, and were to be no longer detained in custody on the authority of the United States.—But the keeper kept them in prison *through that and the four succeeding days!* At length, late on Tuesday afternoon, Dec. 20th, four individuals, of whom the writer was one, went to the keeper to inquire into the cause of their detention, when the following conversation, in substance, ensued :

Inquirers : "Are the five colored men, brought up as witnesses in the case of de Souza, still in prison?"

Keeper. They are.

I. By What authority do you detain them ?

K. The authority of the Sheriff and the Marshal.

I. But how can that be—the case has been decided, and they, as witnesses, must be of course discharged ?

K. I know that, but I have received no notice of their discharge, and I cannot let them go until I do.

I. You hold them then by virtue of the original commitment, as witnesses in the case of de Souza ?

K. I do ; and I cannot let them go without some authority.

I. What authority is necessary ?

K. Oh, a note from the Sheriff or the Marshal, or the District Attorney, saying that they are discharged, will be enough.

I. And if we get you such a note, will you let them go.

K. I will.

No sooner said than away we hastened to the office of the Sheriff. He said they were not there by his authority—he had nothing to do with them—the Marshal or the District Attorney were the persons to apply to. Away we went to the office of the District Attorney—not in. A young man in the office, said they were discharged on the original

commitment, but he believed they were now detained by request of the Captain, as his property, and on authority of Mr. Rapalje. Up we went to Mr. Rapalje's office—not in—and as it was now evening, it was agreed to let the matter rest until morning. On Wednesday morning, two individuals called on Mr. Rapalje, and the following dialogue, in substance, ensued:

Inquirers. Sir, feeling somewhat interested in the case of the slaves, arrested as witnesses in the case of de Souza, and finding that they are still in prison, we have come to inquire by virtue of what process they are detained?

Mr. Rapalje. I cannot tell you. They are discharged on the commitment in that case.

I. The keeper of the prison says they are not.

Mr. R. They certainly are, for I went to the prison and told him so myself, last week.

I. He told us himself, yesterday afternoon, that he had received no such notice, and that he still detained them on the original commitment.

Mr. R. I do not see how that can be. Did'nt you see the turn-key?

I. No, sir. We are sure it was the keeper, and he told us if we would get a note from you, saying that they were discharged, he would release them.

Mr. R. I will give such a note, if you wish.

I. It will oblige us if you will.

Mr. R. Sit down, gentlemen.

The note was written, and was as follows:

U. S. MARSHAL'S OFFICE, Dec. 21st, 1836.

To the Keeper of the Debtor's Jail in New York.

Sir,—The five witnesses, confined in the debtor's jail, on account of the suit of the U. States against J. E. de Souza, were discharged by me from custody, on the 16th inst., verbally in your office.—You are not to consider the United States bound for their maintenance since that time.

S. RAPALJE,

Deputy U. S. Marshal.

(Superscribed) A. B. FOUNTAIN, Esq.,

Keeper of the Debtor's Jail in New York.

With this we hastened to the prison, found the keeper, presented the note, and asked for their release.

Keeper. I cannot release them.

Inquirers. But why not? You said yesterday you would, if we would get you such a note from the Marshal.

K. I know, (with a blush, and some embarrassment) but since you were here, the Captain and the Consul have been here, and I am keeping them now for them.

I. Ah—but have you any authority for doing so?

K. Yes, the authority of the Captain and the Consul.

I [After some effort to get a definite answer.] You hold them, then, simply on the *request* of the Captain and Consul, and not by virtue of any legal process or authority?

K. Yes.

I. And you will not let them go, will you?

K. No.

I. But have you a right to appropriate the prison to such uses without authority?

K. I shall risk it (with considerable feeling.) They said they would make me good.

We of course left the premises. In the course of the day a *habeas corpus* was issued to the keeper, to show cause for their detention, but when about to be served the next morning, it was found that he had resigned his charge, and that they were then on board the vessel.

Subsequently, another *habeas corpus* was issued to the Captain, to show cause for their detention on board the vessel, the object of which was, not to convict the Captain, but to secure the liberty of the slaves. The case was brought before Judge Ulshoeffler, who decided that under the State law, slaves might be brought into the State, not only from the southern States, but from foreign countries, and kept here nine months, and then taken away. He said that the act of Congress, of 1818, prohibited only the bringing of slaves in to sell them, or to hold them as residents—that this country was not like England—that we did not interfere with the laws of other countries—that a master of a vessel might go to a foreign country where slavery was lawful, and man his ship with slaves, and bring them here and keep them eight months and twenty-nine days, and then take them away.” Of course, the Captain was discharged, and the slaves were left in his possession. The decision was not committed to paper, but these remarks were taken down with a pencil, by the writer, at the time.

Such are the leading facts in this important case. We come now to the work of comment. In doing so we are aware that we shall be regarded by many as very presumptuous, and disrespectful withal to the constituted authorities. Some even may charge us with “speaking evil of dignities.” To be sure, on other subjects and in other cases, nothing is more common, and nothing considered more proper than to question, expose, and censure the doings and decisions of public functionaries. This is done, at all times, by any body and every body, and with the utmost freedom of remark, however trifling or unimportant the interests at stake. And that public functionary who should complain of this as abusive and disrespectful, would be the scorn and contempt of the entire community. But when the rights and interests of the colored man are concerned—ah! now the public functionary is

clothed with infallibility, to question or censure his doings and decisions is little short of blasphemy—the community are well nigh horror struck at such astonishing rudeness, and it becomes you most reverently to lay your hand upon your mouth, and be still! Such at least is the fact with multitudes. We shall not, however, be kept back, by any such feeling, from the discharge of our duty. We mean to know the colored man, not as colored, but only as a man; and therefore, in the present and every similar case, we shall vindicate his cause, and expose and condemn the doings and decisions of public functionaries with the same unsparing freedom that we would, if the party aggrieved were white, and if, in so doing, we, at any time do injustice to any person concerned, we shall ever be ready, on due information, to make the proper corrections. In the present case, the first topic of remark, in order, is

THE ISSUING OF THE PROCESS.—The act of Congress, of 1819, declares, “That when any citizen, or other person, who shall lodge information with the Attorney for the district of any State or Territory, that any negro, or mulatto, or other person of color, has been imported therein, contrary to the provisions of the acts in such case made and provided, it shall be the duty of said Attorney, forthwith to commence a prosecution by information.”

This is plain. No man can mistake it. It makes the Attorney's duty as specific and imperative as law could make it.

A responsible informer before him, ready to make oath to a violation of the “acts made and provided” in the case, and be he “any citizen or other person,” the Attorney must not only hear, but “commence prosecution,” and not only so, but do it “forthwith,” and that, simply on “information.” He may not say to the informer, come again, or I have no time to attend to it now, call to-morrow. The solemn mandate of the law is “*forthwith*”—“**FORTHWITH**”—“**FORTHWITH**”—**NOT THREE DAYS HENCE, AND DRIVEN TO IT BY EXPOSURE IN THE PUBLIC PRINTS!** Nor, in case of such delay, may the Attorney plead, as now, that he wants more facts—the “captain's name,” &c. The informer before him, ready to make oath that a certain individual, the captain of such a ship, lying at such a place, &c.” is guilty of such a violation of the law, is enough. Or if the name must be had—and that in the present case is the only item mentioned as wanting—why not send “forthwith” to the custom-house and get it? And why especially, with the name still wanting, take the informer to the Marshal's office, and request him to attend to the case? And suppose it utterly impossible to get the name, either of ship or captain, with full proof that the one is a slave trader and the other a slaver, shall they bid defiance to the law, and come and go with impunity, for want of the name?

And as to the "information" it is not for him to say, whether it be correct or incorrect, whether it will or will not stand the test of the court, and condemn or acquit the person implicated, and then, according as *he* shall decide, commence or not commence prosecution. To do so, is to act the Judge and not the Attorney—to take the whole power of the law into his own hands, and decide the case beforehand, and without even the form of trial. It is usurpation, therefore, of the most atrocious character. It is an abuse of power and a stretch of authority, that ought, and in ordinary cases would unbench the Judge himself. The informer before him, the information lodged, and be the informer "any citizen or other person," and the information correct or incorrect, capable or incapable of being substantiated by evidence, his duty as Attorney is "forthwith to commence prosecution, *by information.*" And if it turns out that the information is incorrect, and the charge incapable of proof, very well, that is for the *Court* to decide and not the Attorney.

Is it said that such a construction subjects the captain and owners of vessels to a thousand perplexing and vexatious prosecutions, at the ignorance or caprice of any and every body. How so? There stands the informer—a responsible informer. There are the laws and the courts. The captains and owners are able to secure redress. Their ignorance does not subject them to imposition on the one hand, nor their poverty put justice beyond their reach on the other. It is as easy to prove the fact of vexatious prosecution in this case as in any. If the fact of vexatious prosecution then be evident, let the requisite process issue, and if the informer is proved guilty, let the law take its course, and by the severity of its inflictions, make his example a terror to evil doers. But there is another side to this picture. If this construction subjects captains and owners to inconveniencies, what shall we say of the opposite—a construction which exalts the Attorney into the Judge, and above the law, lodging a power in his hands, by which, at discretion, he can make the law a practical nullity, and leave the poor negro the unprotected victim of outrage and oppression? If the one subjects to inconvenience by the first construction, what multitudes suffer not inconvenience merely, but the loss of all things by the latter? Nay, if such discretionary power exist, who does not see that while, in the hands of an Attorney *in their interests*, it may administer protection to captains and owners, in the hands of another, not in their interests, it may deal out perplexity and inconvenience without limit and without end?

Nor may the Attorney *dictate* in regard to the kind of information, and by consequence the kind of process that shall issue. He may indeed tell the informer what is necessary to make a case under the law, and fairly test the question of violation, in the particular point or points alleged. He may tell him, if he please, that he does not think his evi-

dence sufficient to substantiate the charge. He may even advise him not to enter complaint. But, if with the case thus fairly before him, the informer still insists on entering complaint, the Attorney has but *one* course to pursue—receive it and commence prosecution accordingly. And in so doing, all that he is at liberty to do, and that which he is solemnly bound to do, is to see it, that the complaint is so framed as to ensure a process that will fully test the question of violation in the particular point or points alleged. On the one hand, he may not *allow* the informer to lodge any complaint short of this. If the informer's facts do not warrant such complaint, very well. He must enter *it* or none, and if he does so, he does it with his eyes open, and the responsibility is his, not the Attorney's. And much less, on the other hand, may the Attorney *reject* such complaint, and *direct* the informer to file his complaint in such a shape as to ensure an evasive process, and make up, before the court, an evasive issue. And more than all, if the informer wishes to enter complaint which shall test the question of violation, not in *one* point merely, but in *several*, then especially must the Attorney not reject such complaint, and direct him or some other person to file a complaint that will test it only on *one* point, and that perhaps the very point, and the only one on which the person implicated is innocent.

What then are the facts in the present case? Mr. Ruggles wished to depose that the vessel in question was a regular slaver, the captain a slave trader, and the slaves on board, slaves unlawfully introduced, and he supposed he could substantiate these charges by indisputable evidence. And who does not see that in testing the question of a violation of the law in *either* of these points it was all important to test it in *all*? And had it been *proved* in court, as it was admitted, by one of the hands on board, out of court, that the vessel was a slaver, and had come here for repairs, &c., would the captain's deposition only have cleared him? or would the court have decided that since the slaves on board were here only as a part of the *crew*, they were here lawfully? Never.

But was Mr. Ruggles' deposition taken, and prosecution commenced, and process issued accordingly? No—*rejected*! What was the matter? Was the fault in the informer? No, but in the kind of information he wished to lodge, for he is expressly requested to make affidavit of a different character. The only difficulty is that he wishes to lodge information of such a kind as to test the question of violation in *several* particulars; and the District Attorney, in the exercise of shameful and high-handed usurpation, insists that it shall be tested only in *one*, and that the one, as will appear, in which, if in any, the plea of "not guilty" could be sustained. What next? One Martin is called on to depose. Now, sir, says the Attorney, (if actions speak,) give attention. Lodge such information with me as I tell you to. Say not a word implicating the vessel, or the captain even, except on *one* point—not a word about

the ship's being a slaver—nothing in any shape that will bring up *that* point for examination—limit yourself to the *one* point, that the captain has brought the colored men in contrary to the law. Do you understand?

Martin. Aye, Sir; but in deposing to that point, am I to depose in terms as explicit and broad as the law?

Attorney. O no. Not at all. The law makes it unlawful “to import or bring in *any manner whatsoever*, into the United States, &c. any negro, &c., with intent to hold [him “as a *slave*”] sell [him “as a *slave*”] or dispose of him as a *slave*, or to be held to service or labor? Now, as we know that the captain did bring these men here “with intent to hold them as *slaves*,” and is actually at this moment so holding them, you will say nothing about that, but only that he brought them here “with intent to hold them to *service*,”—and as it may put a little better face on it, just add, if you will—“or sell them”—do you understand?

Martin. No, your honor, it somehow seems—

Attorney. Ah—no matter—no matter—we understand the case. Please depose as we tell you, or not at all.

Martin deposes, a partial and evasive issue is made, and the captain goes free.

It is said in all this we are mistaken, that the complaint as actually received, and the prosecution as actually commenced, and the process as actually issued, were all that they needed to be, in order fully to test the question of violation, and that in all we have said, therefore, we have only shown our ignorance of law? Very like. We do not pretend to be learned in the law. We have nothing but common sense to guide us in the case. But if they *were* all they should have been, then we ask how it came to pass, that Mr. Price, the District Attorney, “did not attempt to introduce any testimony in contradiction of the captain’s deposition, nor oppose the motion of his counsel,” for his discharge? Here is a law enacted by the supreme authority of the land, against a crime of the most aggravated character, inflicting the severest penalties on its violators, so enacted and amended and re-amended, as to prevent, if possible, all evasion—nay, as if this were not enough, even setting aside the common law maxim of innocence until guilt is proved, and laying down the principle of guilt until innocence is proved, as the principle and the only principle on which it is to be administered, declaring expressly (Act 1818, Sec. 8.) that in all prosecutions under this act, the defendant shall be holden to *prove* that the negro, &c., was not brought in, &c., contrary to the provisions of the act; and, in failure thereof, shall be adjudged *guilty* of the offence of which he may stand accused:” here, too, is the captain arraigned on the charge of a violation of this law and on a process, designed and actually sufficient, it is said, fairly to test the whole question of violation; and here are witnesses at hand (which was true) ready to give important testimony in the case, and now what is done? In comes the captain with *his* deposi-

tion setting forth that he is here on a regular *mercantile* voyage, with goods consigned to a house in this city, &c., is not guilty in the points charged, and prays for a discharge from custody. And what now? Does the attorney approach the case as one of high and solemn interest? No. Does he in the spirit of law or of justice, protest against the reception of the captain's deposition as proof of his innocence? Does he insist that the captain shall at least present *some* other proof, and in failure thereof, point the court to that fact, as of itself presumptive evidence against him? No. Does he point the court to the fact, that, although here, according to the deposition, on a regular mercantile voyage, with a cargo consigned to a respectable house in this city, the captain has yet been kept in close confinement, from the day of arrest, *for want of bail*? And does he beg their honors to consider whether it be not very strange and suspicious withal, that the captain and owner of a brig, an honest man, here on honest business, with a cargo, consigned to a respectable house, cannot get a \$5000 bail for his appearance at court? No. Does he introduce counter testimony, or on any ground whatever resist the motion for discharge? Not he. The deposition is admitted, the witnesses at hand are told they will not be wanted, and the attorney does not even "*attempt to introduce ANY testimony in contradiction of the captain's deposition, nor oppose the motion of his counsel*"* *for his discharge*! And this is a prosecution and process sufficient fairly to test the question of violation, is it? or admitting it so, this is the attorney's fealty to official oaths, this his regard for the faithful execution of the law, this his estimate of the liberty of five human beings immediately before him, and the rights of a common humanity! Horrible! Have it which way you will, that the process and the issue were evasive and precluded testimony on points that would have ensured conviction, or that such testimony was shut out by the negligence or connivance of the attorney, and in either case, as we may not resolve the matter into ignorance, we confess that we cannot find words to express our astonishment and indignation; nor can we avoid the conviction, that *such* fealty to official oaths and obligations *may* have its *Price*.

But the worst is not yet told. We come now to another part of these shameful proceedings, viz.

THE KIND OF TRIAL.

The Act of 1819, Sec. 4, provides 1. that when information has been lodged with the attorney, that any negro, &c., has been unlawfully brought in, the attorney shall "forthwith commence prosecution, by information;" 2. that "process shall issue against the person charged with holding such negro," &c.: and 3. that "if, upon the return of the process executed, it shall be ascertained, **BY THE VERDICT OF A JURY**, that such negro, &c. has been brought in, contrary to the true intent and meaning of the acts in such cases made and provided, then,

* Reporter of N. Y. Sun.

&c." Indeed—"the verdict of a jury!" It is even so. There it stands, in the law, in the very section too prescribing the attorney's duty. Where then was he that he did not ask a jury trial? Where were the court that they did not give it without being asked? Were the attorney and court so utterly unread in these *particular* laws as not to know their provisions? To say so, were but to proclaim their shame and their utter incompetency for office. How then could the attorney consent to any but a jury's verdict in the case? And how dare the court in the face of express provision, take a decision into its hand, which they knew had been given, by law, to a jury? Yet the one did it and the other winked at the atrocious deed. Not a juryman was sworn, nor a jury empannelled, nor a hint given that such a thing should be done. Judicial authority put its foot upon the law, and the whole case, now, is best known to those that did it—was **SMUGGLED THROUGH. TRIAL IT NEVER HAD. AND THIS IN NEW YORK, IN THE YEAR 1836!** Citizens of New York, of the city, of the state, has it come to this? What, that judicial shall put its foot on the neck of legislative authority, and at its pleasure, regard or disregard, the express and solemn provisions of the law? Who then or what is safe? yet here is a beginning; and of the most unblushing character. What shall come next, and where shall these things end? "If these things are done in the green tree, what shall be in the dry?"

This same vessel may, on future voyages, follow the same inhuman traffic with perfect impunity. Having a clearance from New York, for New Orleans, they can dispose of their slaves in that market and take an outfit from Cuba or elsewhere for the slave coast, from whence they ship a cargo of human beings again to Brazil; sell a part of them in that port, receive merchandize to make sure a cargo for New York, with the remainder of their slaves, which they again dispose of in a Southern port of the United States; thus at once putting to defiance the laws of the United States, with the sanction of our judges, and carrying on the slave trade on a very commodious system. Five of these slaves on board the *Brillante*, were detained on the part of the United States, as evidence against the

captain. When the decision of the judges was known, these men should have been liberated ; they were, however, at the request of the captain, held in jail, for his safety—Judge Ulshoefer observing to Mr. Sedgwick and one of your committee, that if he, the judge, was travelling from the South with his slaves, and suspected they meant to leave him, he should avail himself of the convenience of shutting them up in the prisons of the city of New York, in order to secure them, thus making the jails of this free city, like the dungeons of the South, their shambles for human beings while passing to a more convenient market.

Your committee obtained a writ of *habeas corpus* for these men in order to release them ; but before it was served, notice was given to the captain who removed them on board. Another writ was obtained, to bring them before the judges, who in accordance with their former decision, condemned them to slavery, the laws of the United States notwithstanding. A feeling of indignation at this injustice, induced a party of colored men to rescue some of the slaves from on board the vessel,—this however was done without the knowledge of your committee. The following statements from the public papers tend to prove the alarming extent to which the foreign slave trade is carried on, and the criminal apathy, if not guilty participation of this country respecting it :

FOREIGN SLAVE TRADE.—(Extract of a letter from Cadiz, June 20, 1836.)—"Twenty years have passed away, since the sum of 3,000,000 dollars, (600,000 pounds sterling,) wrung from the tax-paying people of England, was paid to the king of Spain, in consideration of relinquishing the slave trade ; and a squadron of English men-of-war is kept up all this time on the coast of Africa to enforce the treaty.

The result of the sacrifice of so much treasure, and of the still greater sacrifice of human life, is, that at the present time the traffic in human flesh is carried on by Spaniards more extensively and to greater profit than at any former period. You may form some idea of this from the fact that *one man in Cadiz has forty ships afloat* just now, all engaged in transporting from the African coast to the island of Cuba. The number of negroes imported into that island last year (1835,) exceeded 45,000. The Captain-General of Havana takes a bribe of a doubloon (three guineas) per head for every slave so imported, for conniving at the open transgression of his own public orders, proclaimed and placarded periodically, for no other purpose than to ridicule the English. The late increase in the value of sugar, has given a great stimulus to the slave trade. At Havana, the movement in the slave market is always regulated by the sugar market. The Madrid government could at any time put an end to this nefarious traffic, if so disposed; but it is notorious that they took the money with the full intention of not complying with the treaty.—*London Patriot*.

COAST OF AFRICA.—A recent traveller asserts, that the slave trade is in full operation on the coast of Africa. But a few weeks ago, forty-five Spanish vessels to the southward, and twenty-five to the northward of the line, were engaged in the infernal traffic. We regret to learn that these are chiefly *American built*, and such swift sailers as almost to defy capture. It seems, also, that the Portuguese to the southward of the line, are also extensively engaged in this trade, and by the effect of a late treaty with England, pursue the business with impunity. Our authority remarks, “that while Parliament is making laws to punish cruelty to animals, more than 100,000 human beings are here yearly torn from their homes and conveyed across the Atlantic, more than one-third of whom perish by disease on the passage. In addition to which, from the very moment they are kidnapped, they are confined in shackles, and it is sometimes four and five months until they are shipped, and they are mostly chained on board afterwards. Should a vessel be chased and obliged to get rid of her deck lumber (chiefly composed of provisions,) to make her sail better, overboard go likewise some of the sick slaves (as in the case of the *Argos*, captured by the *Charybdis*), and should she escape and run short of provisions before she reaches her destination, the slaves that are not likely to sell are hove overboard to make the provisions last for the survivors.”

It seems there are two slave establishments at the Gallinas and River Nunez, where a ready sale is effected.

The force stationed on the coast to prevent the trade, is said to be inefficient for that purpose.

SLAVE TRADE IN RIO DE JANEIRO.—Extract of a letter to the Lord Mayor, dated Rio de Janeiro, 16th April, 1836.—“Silver and gold have risen very rapidly within the last few days, principally in conse-

quence of the number of vessels about to sail to the coast of Africa, engaged in that detestable traffic, the slave trade, which continues to be carried on under the Portuguese flag, with greater activity than ever.—*London Patriot*.

CAPTURE OF A SLAVER.—By Bermuda papers received on Monday, to the 31st May, we learn that a Portuguese slaver had been taken, and carried into Nassau. The Nassau Argus gives the following particulars :—" His Majesty's ship Gannet has arrived off this port, bringing in the Creole, with 307 Africans on board, chiefly children : they were captured off St. Domingo, and had been out 25 days. The Africans are from Congo, and other districts in the vicinity of Sierra Leone ; one girl, who speaks English is from that place. A man and his son, who also speak English, say that they had resided at the Cape of Good Hope, and having gone beyond the frontiers, were taken and sold. The whole have been landed. The slave deck in the Creole, did not exceed two feet in height ; the men were all manacled and crowded in the usual manner. These African races are chiefly cultivators of rice and other provisions ; they are intelligent and industrious.—*Id.*

THE SLAVE TRADE.—The English newspapers speak of the increase of the slave trade. There were about fifty Spanish slave ships to the southward of the coast of Africa, and about thirty to the northward, chiefly American built, engaged in the traffic.—Many Portuguese vessels to the southward of the line, were engaged in this trade. There is no doubt that many American vessels are built in the northern states and sold, (though not built expressly) for the slave trade.—*N. Y. Express*.

BRIG ST. NICHOLAS.—Our readers remember the case of this slaver, that was detained in this port by the Collector and District Attorney, and finally put to sea and escaped, an hour or two before the Grand Jury found a bill against the captain.—The consignees are a French house in this city. The destination of the Brig was the island of St. Thomas.

A merchant of this city has just returned from St. Thomas. He saw the St. Nicholas there, and says she is a slaver to all intents and purposes. And further, he states, that while at the island a vessel arrived there from the coast of Africa, having on board as passengers, no less than EIGHTY captains and mates of slave vessels that had been seized by British cruisers !!—*Id.*

We have also the clearest evidence, that vessels have fitted out during the past year, from New York, as regular slavers. Some of these have been libelled by your committee, but released by the judges. In

one instance, already named, the vessel so released was afterward discovered to be destined for the slave trade, and an attempt was made to overtake her, but in vain. Another was overhauled, and taken as a prize by a British cruiser; and a third, fitted out from Brooklyn, and well known in the Havana trade, has not been heard of since her departure. These facts afford abundant evidence of the impunity with which the slave trade is carried on in consequence of the favorable feeling in behalf of slavery, which prevails among our magistrates and judges.

That many colored men who enter on board vessels bound to southern ports, are sold there as slaves, has been clearly ascertained by your committee. We might cite several cases in proof of this assertion. Anthony Freeman entered on board the schooner *Enterprise*, captain Whitney, for North Carolina; on the arrival of the vessel, the captain ordered the boy on shore, took away his free papers, and, it is said, sold him as a slave—Your committee endeavored to bring this man to justice, having the positive testimony of two of the crew, who saw the boy sold; their positive evidence, however, was deemed insufficient to overturn the negative evidence of others, who could merely testify that they did not see him sold, although it appears by their evidence, that he might have been sold without their knowledge.

CASE OF JAMES EMERSON.—On the 24th of August, as he was on the East River side, near the water, the captain of a vessel enticed him on board. The vessel was bound to Petersburg, Va., and the captain told the boy he should be gone only nine days, and should then return. He took the boy to Baltimore. The white crew left the

vessel there, and the boy becoming uneasy, wished to leave also. The captain said, "You are not in New York now, but in Baltimore—you must remember that you can't do here as you can there," at the same time threatening to sell him.—This was overheard by a colored man by the name of Gideon Gross. This man spoke to the boy the first opportunity that occurred, and learning what the facts were, took the boy on shore, concealed him, or had him lodged in some place of safety, and started for this city to procure the evidences of his freedom. With what success and by what means the following certificate will show :

"NEW YORK, Nov. 21, 1836.

"This is to certify, that from information given by the bearer, Gideon Gross, some weeks since, I went to Baltimore, in order to rescue a boy from slavery, named James Emerson, which I succeeded in doing, and brought the boy back with me to this city. It is my firm belief, had it not been for the exertion and information given by the said Gideon, who accompanied me to Baltimore, that the boy would now have been in slavery. Gideon informed me that he was obliged to sell a part of his clothing to pay his passage from Baltimore.

JOHN D. WOODWARD."

Another fact. About four four weeks since, a vessel arrived in this port from Gambia, Africa. The owner of the vessel was a black man, and the son of a noted slave dealer on the coast of Gambia. The captain was white, but the crew, 12 in number, were black. About a week after their arrival here, *three* of them went to the South ; whether sent or enticed, we do not know.

A man named Tillman, has been missed by his distressed family on Long Island, for four weeks. It is supposed that he is kidnapped.

Again : On Friday, the 25th ult., a gang of kidnappers had a boy in irons, on the steam boat Emerald, on their way from Albany to this city. After it was ascertained that the boy was claimed as a slave, the passengers raised such an uproar about it, that the captain was obliged to put the kidnappers, with their prey, on shore at Kingston.

It is also pretty well ascertained that there is, at this moment, a vessel in this port, from the South, after a cargo of human beings ! One of the hands, named JOHN PIERSON, was heard to say to a friend of his, whom he happened to meet, and who inquired what he was here for, "O, we've come blackbirding again."

Let parents, and guardians, and children take warning. Our city is infested with a gang of kidnappers.—Let every man look to his safety. Look out for the CUSTICES, for WADDY, BARNES, OWEN, RUTHERFORD, and young WOLFOLK !

Emancipator, Nov. 1836.

Colored people should mark the signs of the times, and be warned !

The following letter is from Mr. —, now in New Orleans. As the testimony of a colored parent is not received in courts of law in Southern States, there is no hope of Mrs. Brown's relief. So slavery severs the tie between husband and wife, parent and child !

“NEW ORLEANS, August 29th, 1836.

“Mrs. Ramsey,—A few lines to you respecting the young woman that John Hill stole from New York last summer, and sold to a rogue of a captain of a vessel, for one hundred dollars, who carried her to New Orleans and sold her for eight hundred dollars, where she will remain a slave for life, unless some person interferes in her behalf. She came to me and told me her seduction and the circumstances that placed her in slavery. I promised that if I could, I would get her papers for her. She says you know her mother, and was sanguine that if I wrote to you that you could get her free papers ; if you do not recollect her, you will please call upon Mrs. Rich, who knows her very well ; her name is Mrs. Brown ; she says that she has a husband in New York : if he can be found, he had better attend to it, and get her papers.

“Mrs. Ramsey, you will confer a great favor upon this woman, by sending her free papers soon.”

The frequent arrival of slave agents from the South, demands the utmost vigilance and activity on the part of your committee. In many cases, we have had the satisfaction of frustrating their designs, by giving timely notice to their intended victims. In some instances whole families have been saved from returning to slavery by this means.

The following advertisement, (the cool effrontery of which, would be deemed a gross insult to any but a slave-holding community, shows the facility with which the designs of kidnappers and slave agents are forwarded by our legal authorities.

"IMPORTANT TO THE SOUTH.—F. H. PETTIS, native of Orange county, Va., being located in the city of New York, in the practice of Law, announces to his friends and the public in general, that he has been engaged as Counsel and Adviser in General, for a party whose business it is in the northern cities to arrest and secure runaway slaves. He has been thus engaged for several years, and as the act of Congress alone governs now in this city, in business of this sort, which renders it easy for the recovery of such property, he invites, post paid, communications to him, enclosing a fee of \$20 in each case, and a power of Attorney minutely descriptive of the party absconded, and if in the northern region, he or she will soon be had.

Mr. Pettis will attend promptly to all Law business confided to him.

N. B. New York City is estimated to contain 5,000 Runaway Slaves. PETTIS."

These agents find it most convenient to obtain a warrant against the persons they wish to arrest, charging them with the commission of an assault or robbery. When they have thus secured them in gaol, this charge is generally either abandoned, or not proved, and then a detainer is brought against them as fugitive slaves ; this stratagem was adopted in the cases of Jerry, Jones, Stewart, and many others. In some of these arrests they have succeeded in sending the unfortunate person into slavery ; in other instances they have failed by the interposition of your committee. It will be recollected that Jerry was condemned by the Recorder as a slave. This man was reported by the public papers to have expressed himself perfectly willing to return with the man who claimed him ; with how much truth will appear, when we inform you, that, on his arrival in the South, he severed his hand from his wrist, in order to escape

the horrors of slavery.* Jones was arrested on a warrant for an assault ; he went willingly with the officer, knowing no such charge could be sustained against him. On his arrival at the court, he was claimed by a man pretending to be his master, as his slave ; not being prepared to meet this charge, having no witnesses on his behalf, he begged the case might be put off for a future hearing, to give him time to produce evidence of his freedom. Judge Riker, before whom the case was brought, denied the poor man this right, which both law and reason demanded, and condemned him to slavery, on the ex-parte testimony of the interested slaveholder ; and in the space of three hours from his first arrest, he was in chains on his way to the South. A man named Jesse Redmond was arrested in a similar manner, and would no doubt have shared the same fate from the tender mercies of the judge, but happily he had a British protection, which proved a better shield than his honor's justice ; for his accusers, on discovering this, abandoned their claim, and gave up the case. Your committee considered it their duty to bring an action against the

*Extract of a letter from a correspondent of the Committee of Vigilance at the South :

"Fredericktown, Maryland, Jan. 2d, 1836.

"Mr. Rutherford says that Jerry was betrayed by Philip Hammond ; the poor fellow is now in prison ; rather than to be sold to the speculators he got an axe and chopped off his hand. You should compel Philip to leave the city, but don't let the boys use violence. He will receive his reward and die like a dog. Give notice for every body from this place to look out ! Rutherford, Nimrod and Owens have taken David Halleday with them and started for the North ; I expect they are in New York. David is purchasing his freedom. He expects to get the money to pay for his own time by betraying others." I will state that the notice which was read in the churches, warning such and such persons to 'look out!' prevented the apprehension of eight persons who had been freed by their old masters, who, his heirs say, died insolvent.

D. R.

slave agent for false imprisonment, for which offence he was held to bail.

Several aggravated cases of kidnapping, have come to the knowledge of your committee, and occupied their special attention. Before presenting any of these to your notice, it may be proper to remark that they by no means exhibit an uncommon offence, or that they are marked by unusual cruelty. Persons employed on the steamboats inform us that it is quite common to receive men on board at Elizabethtown Point and other places, in irons, as slaves ; many of these men, we are convinced, have never been brought before the legal authorities, as fugitive slaves, or delivered into the custody of the slave agents according to law.

The annexed case of Hester Jane Carr, tends to prove not only the danger to which free people of color are continually exposed, but the extreme difficulty, if not the utter hopelessness of recovery when once arrested.—This will appear more strikingly when we inform you that the testimony of colored people is not received in their behalf at the South ; this young woman was decoyed away from New York, and sold as a slave, as the following documents prove.

“ Petersburg, Aug. 11, 1836.

“ Sir : I take the liberty of addressing you, at the instance of a black girl, who calls herself Hester Jane Carr, and says she lived in your employment for nearly a year, up to the 18th of last month, when she was enticed away from New York by a woman of the name of Nancy Haws, who brought her to this place, and sold her to a negro buyer as a slave. From her description of this woman, I am induced to think she is one of bad fame, and was travelling with

a paramour when she passed through this town,—he went by the name of Timothy Collins. The account that Hester gives of herself is, that she was born of free parents, in Accomack county, Va., where she resided until September last, when she sailed for New York in the schooner Golden Hunter, Barker, master; and that she lived in your employment all the time she remained in New York. Nancy Haws told her that she was going to Columbus, Geo., and engaged her services as a waiting-maid. Hester represented to the person who bought her that she was a slave, which she says she was induced to do, because Nancy Haws told her, that by the laws of this state, free persons of color coming into it, were liable to be apprehended, imprisoned and sold into slavery.

Several humane gentlemen of this town have interfered, to enable her to assert her claims to freedom, if indeed she is entitled to it, and proceedings have been instituted for that purpose. I apply to you with every confidence, that in such a case you will not withhold any information you may possess on elucidation of her story. It is material to show in what character she lived in New York, and under what circumstances she left there.

Respectfully, your obedient servant,

WILLIAM C. PARKER."

State of New York, }
City and County of New York. } ss.

James Cockcroft, of said City of New York, physician, being duly sworn saith, that he knows Hester Jane Carr, a colored girl, who is, as this deponent has recently heard, and believes, is now, or was lately, confined to the jail, or other place of confinement, in Petersburg, in the state of Virginia, as a slave. That said Hester Jane Carr was a servant in the family of this deponent, in the said city of New York, from the fall of the year 1835, until on or about the 12th day of July last, when she left the residence of this deponent, and as he believes, was enticed away by some person. Said Hester Jane is about nineteen years of age, about five feet two or three inches high, of a dark brown complexion, hair or wool on her head very short, with a bare spot on her head, occasioned by a burn when she was small, as he believes; she is rather stout built, stutters when she talks, but conceals that in a great measure by speaking very fast; she has the negro accent very apparently, her teeth are very good, and this deponent further saith, he believes the said Hester left the city very soon after leaving his house.

JAMES COCKCROFT.

Sworn this 10th day of October, 1836, before

C. W. LAWRENCE, Mayor.

City of New York, ss.

Mary Crippen, wife of Littleton Crippen, of Brooklyn, in the state of New York, (a colored woman) being duly sworn, maketh oath and saith, that she was born in the eastern shore of Virginia, in the county of Accomack, and is of the age of twenty eight years; that her mother was sister to Jacob Walton, and that Hester Jane Carr is cousin to this deponent, and further this deponent saith, that she remembers when the said Hester Jane Carr was an infant child; she was the daughter of Anna Carr, the wife of Jacob Walton, but the said Anna, and the said Hester Jane Carr, have always been called Carr, by the maiden name of the said Anna before her marriage, that said Anna Carr and Jacob Walton were both free persons,* and were always known and respected to be free. Said Jacob Walton was a farmer, and worked out as a hired man,

*In a letter from W. C. Parker, Esq., counsellor for Hester Jane, to Mr. Barney Corse, we have the following words, which show that slavery in Virginia forbids and absolutely nullifies the deposition of a parent with a colored skin to prove a title in, or the freedom of his own child.—“The evidence of a free colored person cannot be received in the courts in Virginia in a case

but built a house of his own in Accomack county, and lived there with his wife, the said Anna Carr; that when the said Hester Jane was yet a small girl, she went to live with her aunt, Rhoda Henderson, a free colored woman, and sister to said Jacob Walton, who also had a house and lived in Accomack county, and that said Hester Jane Carr continued to reside with her aunt, Mrs. Henderson, as this deponent has always understood and verily believes; and this deponent further declaring saith, that she resided about two or three miles from the said Jacob Walton's house, and from the house of the said Rosanna Henderson, and kept up an intimate acquaintance with their families, that about eight years ago the said Jacob Walton came North to find employment, and died of small pox, and that the said Anna Carr died about three years ago, in Accomack county, and this deponent saith, further deposing, that she came with her husband from Virginia, to the state of N. York, about six years ago, and after remaining about one year here, went back to Virginia, where she resided two years in Accomack co. again, and then returned again to the state of N. York, and has resided in the cities of New York and Brooklyn ever since. And further, that this deponent hath heard the affidavit of Mrs. Elizabeth Johnson read, and recollects the contents of it, and that the statements therein contained about the age, height, marks, habits, and personal description of the said Hester Jane Carr, are in all respects true, as this deponent believes.

her
MARY X CRIPPEN.
mark.

Sworn this 19th day of October, 1836, before Jonathan Trotter, Mayor of the city of Brooklyn.

FREEDOM.—In a late National Intelligencer, published at Washington, are found advertisements for the recovery of nearly a dozen slaves who have run away. Who among us will volunteer to restore them to their former state of happiness?—*N. H. Observer.*

MAN-JOBBER.—In some of the southern cities, splendid fortunes are made by the "negro brokers," or those who advance cash on slaves, or buy and sell them to suit their customers. These shavers are said to possess a larger stock of rascality than most others.

THE MAN JOBBING LAND PIRATES OF BALTIMORE.—Take Notice. AUSTIN WOOLFOLK, of Baltimore, wishes to inform the slaveholders of Maryland and Virginia, that their friend still lives to give them *cash*, and the *highest prices* for their negroes. Persons disposed to sell, will find it to their interest to give him a call at his residence, Pratt street extended, near the upper depot of the Baltimore and Ohio Rail Road Company, where they shall see the justly celebrated AUSTIN WOOLFOLK, free of charge.

N. B.—His CHECKS are such as usually *pass*, and will convince the holders thereof that "there's nothing broke." A. W.

where a white person is concerned." There are white persons in Virginia who know her to be free, but who will not bear testimony. Capt. Barker, of schooner Golden Hunter, in which Hester arrived to this city, cannot be found; he received her free papers when she left Virginia, and doubtless forgot to return them. The law says—"By the words of two or three witnesses all things shall be established." Dr. Cockcroft is the only white witness in the case, therefore Hester Jane Carr's LIBERTY is sacrificed!

NOTICE.—Agency.—General Slave Agency office, old establishment, No. 2, West Fayette street, basement story of Barnum's City Hotel, nearly opposite the Battle Monument. Gentlemen planters from the South and others who wish to purchase negroes, would do well to give me a call.

LEWIS F. SCOTT.

CASH FOR 200 NEGROES.—The highest cash prices will be paid for negroes, of both sexes, by application to me or my agent at Booth's Garden, Baltimore, (or Market) street extended; where I can be always found for the next five years.

HOPE H. SLATER.

SLAVE CASES.—The high value set on slaves at the South makes the slaveholders of Virginia, Carolina and Kentucky, wide awake to reclaim all their runaways. Probably more men and women have been carried into hopeless bondage from the free states in the last 18 months than in many years before. We give one of the cases from an exchange paper:

MEDINA, OHIO.—A man was carried through our village this morning, his arms bound behind his back. The complexion of the man indicated his crime. He was claimed to be the *property* of a gentleman in Kentucky. Before noon, a gentleman of respectable appearance arrived by stage from Cleaveland, who stated that a judicial trial had been held in that place to ascertain whether the bound man was in fact guilty of the crime of being the property of a gentleman in Kentucky. He farther stated, that at the trial he heard the witnesses from Kentucky declare under oath, that the man claimed as the property of another left his master in Kentucky on the 4th day of June—and that he heard the keeper of a public house in Cleaveland also declare under oath, that the said man was hired by him in Cleaveland on the same 4th of June. Yet the human property was by the court delivered up to the claimant. We inquire of the Cleaveland Gazette if these things were so?

[*Constitutionalist.*

You know that in our beautiful metropolis, there is a regularly organized system of kidnapping; and that the free, as well as the bond, are often stolen away by their brethren, and sold, as Joseph was, to southern traders. And here, in order to avoid the exposure of this nefarious system, instead of resorting to our public prisons, which the slave holder has a right to do, and which right he does sometimes exercise, it is well known **THAT A NOTED KIDNAPPER IN OUR CITY OF BROTHERLY LOVE, HAS FITTED UP A PRIVATE DWELLING, WITH IRON BARRED WINDOWS, AS A JAIL,** where these poor miserable creatures are incarcerated by their legal, or pretended owners, until they are dragged back into abject slavery. You know, too, that *northern* manufacturers, merchants, and consumers, are constantly supporting and encouraging this system of outrage and oppression, by purchasing to a large amount, the products of the *unrequited*

labor of the slave; thus meriting the reproach which was formerly uttered against the Jews, "when thou sawest a thief, then thou consentedst with him." *Yes! we are now clothing and feeding ourselves with the cotton, rice and sugar which we know the Southern planter never has paid his slaves for laboring to cultivate. You must be aware, then, that the North, as a co-partner in the sin of slavery, is loudly called upon to labor for its entire abolition.—Philad. Gaz.*

OUTRAGE AND KIDNAPPING.—We have learnt from Mr. Gilbert Lyon, of Rye, the particulars of a most infamous outrage which was perpetrated in that town, night before last. An industrious and worthy colored man (name not recollected) who has been for some months in the employ of Seth Lyon, Esq., a justice of the peace, living in Buyrum village, Greenwich, Conn., situated opposite Rye, N. Y., on a small stream which there divides the states of New York and Connecticut. This colored man had been employed for several years in that neighborhood—sometimes working at Rye, and then again at Buyrum. Night before last, he was induced by an acquaintance at Rye, to come over the bridge, under some pretence; when he was immediately seized by ten or a dozen ruffians, bound, and thrown into a wagon, which was then driven at great speed for New York. Great excitement prevails, both at Rye and at Buyrum, in consequence of this outrage; and both Justice Lyon, of the latter place, (in whose employ the negro was,) and Justice Brown, of Rye, have written to the Mayor of this city on the subject. It is said that the individual who enticed the negro over the line, was paid \$1,50 for so doing.

Mr. G. Lyon also informs us that he has ascertained, since coming to this city, that the negro in question was arrested (probably as a runaway slave) by Mr. John Lyon, one of our city marshals, and associates, and has already been put on board a vessel for the South. If this be true, we hope Mr. John Lyon will forthwith give us some light on the subject; for, as the case now appears, it is nothing more nor less than one of bare-faced kidnapping, and a daring outrage and insult upon the laws of this community.—*N. Y. Sun.*

THE KIDNAPPING CASE.—Mr. Boudinot, a deputy sheriff, called upon us yesterday, and explained the circumstance of carrying off the negro from Rye, Westchester, on Monday night. Boudinot, it appears, employed Mr. John Lyon to drive the vehicle for him, in which the negro was brought away, and of course Mr. L. had no hand in the arrest. The negro, whose name is Peter or Peters, alias Henry, is alleged to have run away from Northampton, Virginia, some years ago, in company with seventeen others, all of whom, together, stole a small craft and landed in New York. Many of them have already been taken, but Peters, as is alleged, had escaped until he was arrested as stated yesterday. E. K. Waddy, a deputy sheriff from Northampton, immediately despatched Peters for the South. Boudinot showed us his au-

thority for arresting near a score of negroes. It was a requisition from Gov. Marcy, dated October, 1833, in which power is given to the sheriff of New York to deliver into the custody of E. K. Waddy, seventeen negroes accused of a felony, and fugitives from justice. Let every black man, therefore, who cannot give a good account of himself for at least more than three years back, look out!—*Ibid.*

KIDNAPPING.—Law cannot sanctify crime. We hold that to carry an unoffending colored person, or any other person, into *slavery*, is *kidnapping*, whether done *legally* or *illegally*. And it is a crime not unfrequently committed, both ways. Instances are constantly occurring of *gentlemen* hiring colored servants in this city to travel with them. The unsuspecting victims are led from place to place, till at length they arrive at Baltimore, or some other slave mart, and are sold to the speculators. The following letter from a colored person in Baltimore to his friend in this city relates to such a case :—*Emancipator*.

BALTIMORE, Sept. 13, 1835. Dear Sir—I take much interest in writing to you these few lines, to inform you of a poor afflicted boy who says that he is from New York, and is free. He came on here with Dr. Munroe, of New York, who sold him to Austin Woolfolk. The boy's name is John Richards, and he says his mother's name is Emeline Fenly, who lives in Cedar street, N. York. Please to make some inquiry about the poor object of pity, and try to find his mother, or some person who knows the poor boy, and send me a letter directly. In so doing you will oblige

Your affectionate brother, &c.

Again—The New York Transcript, of one day last week, July 27th, contains the following :

KIDNAPPING IN NEW YORK.—We are informed that a young colored man arrived in this city on Saturday last from some part of Georgia, whence he made his escape from bondage, having been forcibly detained there in the service of a slave owner, who, through the means of two wretches whom he employed, caused him, when he was quite young—three years since—to be kidnapped in the night time from this city, and conveyed to his estate. The poor fellow says that he shall be able to identify the persons who thus inhumanly dragged him from his friends and home, should he again see them, and measures have been set on foot for their apprehension. One of them is well known to several persons in the city as a fellow of very bad and desperate character, and he has for some time past been suspected of getting a living by this abominable and revolting traffic. It is to be hoped for the sake of humanity, as well as public justice, that he, at all events, will be caught, and punished with the utmost severity of the law.

Again—On the Sabbath, August 28th, another colored man was arrested in this city as a fugitive slave, and on Monday was brought before the Recorder for trial. He is claimed by one *I. B. Collier*, of Mary-

land, who claims to have inherited him from his father. We are happy to say, in this instance, that instead of hurrying the man off into slavery, on the testimony of the claimant merely, and in three hours from the time of his arrest, the Recorder has thus far been disposed to give the man a fair hearing. And yet we must say that we see no good reason for so long postponing the decision on the case. The claimant and his witnesses testify positively, that the man left him in April, 1835, while on the other hand, several good witnesses testify that the man was here the winter previous. But the Recorder *may* have good reasons for the delay, and therefore, as we intend, when the case is ended, to give a full report of the proceedings, we will not now pre-judge the matter, but hope that the decision will be in strict accordance with truth and justice.—*Emancipator of Nov. 1836.*

KIDNAPPERS! KIDNAPPERS! !—The kidnappers seem to be specially busy now in every section of the land. One would think they thought their time was short, in which to glut themselves with the plunder of humanity. They certainly are more active than usual, or else there has been such a revolution in the public mind in behalf of the oppressed, that what used to pass unnoticed, now attracts general attention, and wakes up general interest. Just look once at the following, all in the course of one or two weeks.

1. *New-York.* A young colored man was recently arrested in this city as a fugitive. Some of the papers intimated that there might be a disturbance and an attempt at a rescue, when the trial came on. The trial was to have been on Saturday, Oct. 22d. "A large number of persons," so says the Transcript, "assembled in the vicinity of the City Hall, shortly before the hour when the examination was to be commenced, and from certain symptoms that were manifested among the crowd, there was no doubt that there would be a violent tumult. Fortunately, however, this was put a stop to by the counsel engaged in behalf of the accused, who deemed it advisable to intimate to the prosecuting party, that the friends of his client were ready to avail themselves of the proffered terms of compromise, viz. to pay the sum of five hundred dollars to the claimant of the slave, for the liberation of the latter; and thus, for the present, at all events, the affair terminated."

THE RUNAWAYS.—2. *New Bedford.* The Taunton Reporter mentions the case of a slave named Randolph. A person named Griffiths came to New Bedford, with a power of attorney to arrest him. He procured the aid of a sheriff, and seized the man *without a warrant*, and tried to hand-cuff him. Randolph resisted, and called for assistance. A great crowd of the citizens, white and black, assembled, indignant at the spectacle, for Randolph had resided some time in New Bedford;—was a married man,—honest and intelligent, and possessed of a very

handsome property. Some of his creditors immediately caused writs to be made out against him; he was legally arrested, taken from the hands of the slave-hunter, and committed to prison *for debt!* Griffiths not suspecting the trick, and supposing his victim safe, proceeded to Boston, to obtain a warrant from the District Judge, for his legal apprehension. As soon as he was gone out of the town, Randolph was liberated, and he took care not to fall again into the hands of his enemy. Such was the excitement in the community, that they were not satisfied with the mere escape of the slave, and a warrant was issued by a justice of the peace for apprehending Griffiths, for *an assault and battery* on Randolph. Griffiths was arrested in Boston and brought to Taunton, *tried and convicted.* A question of law was made, which was finally carried before the justices of the Supreme Court, and by whose opinion Griffiths was justified, and the conviction was accordingly reversed.—*Essex Gazette.*

TUMULT—SLAVE CASE.—3. Burlington, N. J. About seventeen years ago, (1) a mulatto arrived in the vicinity of Burlington, who called himself "Severn Martin." He soon obtained employment, was industrious, and married a colored wife, by whom he had one child, who is now alive. He worked (as we are informed) for several years under Mr. Emily, a brick-maker, near Bordentown. During this period his wife died—and he married another, also a colored woman, now living, and by whom he has no children. By a course of industry and frugality, he saved from four hundred to five hundred dollars, and had purchased a small piece of ground and a cottage, at Three Tuns village, Mansfield township, Burlington county, where he resided with his family. For some years the world went well with Severn Martin, when, unhappily for him, a man who had known him in Virginia, found him out, and informed his old master of his "whereabouts." His old master then wended his way to New Jersey, found the report correct, and in due form of law, made a claim upon Severn Martin, under his old name of "Negro Sam."

The proprietor of Severn Martin, *alias* Negro Sam, is a gentleman of high respectability in the State of Virginia, "Colonel William Christian." He brought a letter of introduction from Mr. Wise, (2) a member of Congress from that State to Mr. Ingersoll of this city. Colonel C. stated that he had purchased "Sam," not so much from a motive of requiring his services, but because Sam had married a female slave on

(1) Seventeen years, in some states, in the case of real estate or other property, would give the man a title by the mere right of possession, and nullify the demand of the claimant, however righteous it might be in itself. But in Republican America, no length of possession, even by the rightful owner, ever nullifies the impious demands of the man claimer, and gives back to outraged humanity its title-deed to "inalienable rights!"

(2) Pretty business, truly, for a member of Congress!

his estate, by whom he had *eight* children—and his old wife and family were there now. (3) He paid four hundred and fifty dollars for Sam, but had received very little advantage from his labor, as the said Sam soon after ran away. The reason of his leaving was not on account of hard work or ill usage, but because he was jealous of his wife—as he (Colonel Christian) had every reason to believe, without any just grounds. (4)

The circumstances as we have detailed them, now became matters of public notoriety ; and as Severn Martin, *alias* negro Sam, had conducted himself well, great excitement prevailed.

On Saturday last, the case was heard in the Mayor's Court, before his honor John Larzalere, Mayor of this city. The particulars were investigated in the most impartial manner—the Mayor postponing the court at one stage of the proceedings, for two hours, to enable Sam's friend to bring forward some papers in his favor. An old paper was accordingly produced, but it had no bearing whatever upon the question. Two witnesses appeared, who swore to Sam, and he was farther identified by two large natural white marks on his body ; there was a *third* mark, which he admitted, without examination, Colonel Christian, addressing him, said, "Sam, you know I never abused you—that you were never ill-treated in my employ, but made comfortable. Was it not so ?" Sam's silence gave assent. (5) Colonel Christian observed that Sam used to make shoes, and was otherwise employed in handicraft trade, in which occupation he had rendered himself useful. His age is 48 or 50. The case being very clear, judgment was given in favor of the claimant—and Sam was to leave his cottage, and once more return to Virginia, and to slavery.

The next business was to remove him ; but this was no easy matter, as a crowd of at least five hundred persons, white as well as colored, had assembled on the wharf—the great majority of whom declared that he should not be taken away. We say the great majority, because our informant states there were some amongst them in favor of the master. We also learn that a strong party were anxious to have the case heard

(3) No doubt ! What a good christian this Colonel Christian must be, to do all this to enable Sam to live with his wife and children !

(4) And so good Colonel Christian is going to take him back to bless him with that dear old wife that he was so jealous of he could not live with her. How disinterested ! Alas, however, for good Colonel Christian ! For later intelligence says, that notwithstanding all his anxiety to take Severn back to his old wife, he has finally consented to take \$800 for him, and Severn has thus been ransomed, but not until the Colonel or his agents, had taken the old man to Philadelphia, beaten him at times severely, shaved off his whiskers, and **PULLED OUT HIS GRAY HAIRS**, so that he might appear younger, and *sell* to better advantage ! Infamous monsters !

(5) Sam's silence, we suspect, meant this—that he knew enough not to say No, if he felt so, as that would only have insured him a tremendous flogging when once more fairly in the power of his master.

before some other future tribunal, in the hope of pleading his cause with such effect as to ensure his detention. This might have been no more than rumor. But that course being threatened, and the excitement and alarm which every moment increased, being but too manifest, it naturally became an object with the proprietor to remove Sam as speedily as possible.

The State Rights steamboat, observing the mob approach towards the edge of the wharf, went on her way, before Sam, hand-cuffed to a constable, arrived. It was then attempted to put him on the ferry boat, but the boatman would not receive him, and defended himself against the party with a log of wood, and pushed off into the stream, and crossed without taking the captured slave amongst his passengers. (6) By this time, the Linnæus came alongside, and a determined endeavor was made to place the constable and negro on board, which was as determinedly resisted, the mob becoming furious. Sam looked woe-begone and wretched to a degree, and in the attempt a person living in the city, whose name we could mention, struck him, by way of keeping the party back.

We hope the confusion of the moment will be admitted as an excuse for this act; as otherwise, to strike even a negro in custody, is—but we will say no more on that part of the story. A negro attempted to strike or kick Mr. John Hancock, constable, who immediately drew a pistol; but a gentleman behind him moved his arm away; or, acting from the sudden impulse of anger and perhaps of duty, the consequences might have been serious. Another negro was flourishing a dirk; but the Mayor ordered him off, and he quitted the ground. Meanwhile the Linnæus left, amidst the huzzas of the mob. We cannot wonder at our captains of steamboats avoiding the conveyance of such passengers as much as lies in their power, as we know that a judgment of three hundred dollars is now hanging over captain Jenkins, commander of the Trenton—than whom no man on the river is more respected—for taking a runaway slave as passenger; though he did not personally know, at the time, that he had such an individual on board.

Sam was now marched to the front of the city hotel, and placed in a dearborn wagon, but the populace once more becoming furious, the Mayor ascended some steps, and addressed them to the following effect:

“Fellow Citizens: There are laws for protecting slave-holders and their rights, even in this State. Such being the case, it is not for me to inquire whether those laws are right or wrong—but as a magistrate, it is my bounden duty to carry them into effect, which I am resolved to

(6) Good! We trust the time is not distant when a steamboat or a stage will no sooner take a kidnapper and his kidnapped man on board, than he would a sheep stealer with his stolen sheep.

do, as far as in my power lies. (7) As good citizens, it is your duty also to obey the laws of our country. I warn you that the penalty for attempting to rescue a slave, is one thousand dollars or imprisonment;—and if any of you are brought before me charged with the offence, I shall do my best to see that it is enforced. Let me therefore exhort you to respect the laws, and retire peaceably.”

The crowd then dispersed, and with a little hooting and shouting, “Negro Sam” was conveyed away in the dearborn. We understand there was a general impression among the crowd, that Col. Christian’s object was to get both the man and the property. We have it from the best authority, that the Colonel’s observations upon the point were, that if there were any children, he would not touch the property, but leave it for their support. But if there were not, then he considered himself entitled to it, if the law so viewed the case, as a reimbursement for the loss of his four hundred dollars, Sam’s services, and the seventeen years interest of money. Besides, he thought it right that Sam should return to his wife and family.—*Philadelphia Enquirer*.

NORFOLK, AUG. 17.—Unparalleled baseness shall we call it? The term is not sufficiently significant, nor can we conjure up an epithet to characterize the features of depravity belonging to a transaction which has just been related to us. Let the reader judge. A white man, whose name we withhold for the present, arrived here a few days ago in a small craft from Richmond, having with him a negro man and two boys. He offered the boys for sale to several persons, but the price, \$700, being thought too high, he lowered it to \$450, which induced a suspicion that he had not come honestly by them; but to this suspicion was opposed the ready declaration of the negro man, that Mr — had bought him and the two boys, who were his children, in Petersburg. Still, however, it was thought proper to investigate the matter, and the white man with the negroes were taken to the mayor’s office, when the truth came out that the negro was a freeman belonging to Petersburg; that the boys, also free, were his own children, and that he had entered into a compact with the white monster to carry the children abroad and sell them and divide the money. All the parties are in custody.—*Herald*.

A SLAVE PROCESS IN PENNSYLVANIA.—Extract of a letter from a gentleman in Bucks county, Penn. to the editor of the *National Enquirer*, dated the 12th inst.

(7) Right—right! We hope the mayor will always prove thus true to his official trust, and whatever the occasion for the mob, declare and carry out his resolution to enforce the laws, “as far as in his power lies.” Later intelligence, however, denies that there was any thing like a mob in the case.

"We have a prospect of a slave trial, in about a month from this time, at our county town. A brief history of the case I will give now, and the sequel in due season.

"About the middle of last week, a colored man was arrested in Bristol, on suspicion of being a runaway slave. A certain butcher from Camden, in Jersey, was the informer, and condescended to lie handcuffed with his victim all night, preparatory to his being carried to Doylestown the next day, when the case was to be examined before Wm. Watts, one of the associate Judges of Bucks. On the trial, it was ascertained that the colored man had resided seven or eight years with different persons in Bristol. This was undisputed. He also stated that he had been born in this state, and had lived with divers respectable people in it, not very far from the place where he was apprehended. On the other hand, the butcher attempted to identify the man with one whom he had seen in Virginia, in the possession of a woman whom the pretended master alleged having married. These two statements conflicting, a postponement became necessary; and, fortunately for the colored man, our Congressman elect, Matthias Morris, (who is a member of the abolition society,) volunteered his services—the consequence of which act was, that on the examination which was again called up on the 10th inst., he insisted on the pretended slave owner making out, with indubitable clearness, his legal claim to the bones and sinews of his victim. A period of about four weeks was allowed him for this object. An attempt was made on the part of the pretended master, to prove from certain admissions of the defendant, that he was his slave; but an exception was taken to this procedure by the colored man's counsel, and this exception was sustained by the Judge. It appears probable, therefore, that if this modern Shylock should succeed in obtaining his "pound of flesh," the good people of Bucks are indisposed to allow him anything more. Another lawyer, who resides in Bristol, is also employed on behalf of this unfortunate man; and several members from our Anti-Slavery Society attended on the late inquest. But if I mistake not, there will be a meeting of a far different size, on the day which is to decide the fate of this poor fellow. The zeal and ability, which his counsel have already displayed, were highly creditable to them, and in their exercise showed that a fount of sympathy had been opened which gave sure presage that the wrongs of the African are beginning to be appreciated.

"What a call do these outrages make upon our citizens, for urging upon our legislature the necessity of a trial by jury! W. H. J."

MORE KIDNAPPING.—About three weeks ago, an industrious negro, who had accumulated property to the amount of five or six hundred

dollars, with his wife and children, was forcibly carried from his house in Posey county, about ten miles from Mount Vernon, and the woman and children sold as slaves. It is stated that five citizens of Posey county were engaged in the nefarious act.—One of the gang, who was a near neighbor to the negro, went into the house at 10 or 11 o'clock at night, and pretended that he wanted to hire the negro to chop wood. The negro was in bed, and his wife, engaged in spinning, became alarmed on discovering a pistol in the hand of his visitant, at that late hour, and reached up and took down the rifle, which was hanging at the head of his bed,—and while presenting it to the breast of his antagonist, the persons standing at the door rushed in and knocked him down, jumped upon him with such force as to break his breast bone, and beat him till he was senseless. In this situation he and his family were placed upon horses, and taken to the river at the lower part of the village of Mount Vernon, and put into a ferry boat that had been prepared by some of the gang, taken down the river twelve miles, to the mouth of Highland Creek, and to the house of a relative of Davis, one of the number. Here the negro was untied, as it was supposed that he was so much injured as to unable him to escape. He however, did escape, and returned to Mount Vernon, when two citizens of that place, started on board of the first steamboat in pursuit of the villains. Captain Green, the captain of the boat, was informed of their business, and gave them all the aid in his power. This was the night after the abduction of the negroes, and Captain Green directed his officers and crew to attend to all calls from the shore. A pistol shot was heard; the boat rounded to, and as was anticipated, took in Davis and Miller, two of the gang who went off with the negro woman and children. The persons in pursuit kept secret till they arrived at Shawneetown, where Captain Green placed a guard to prevent any one from leaving the boat till a process was obtained for the arrest of Davis and Miller, but by some strange manoeuvre they were released, and suffered to pursue their course.

On the return to Mount Vernon of the two persons who went in pursuit, other persons started to pursue and arrest the villains again. The result we have not definitely heard. Rumor says they were re-taken at New Madrid, after they had sold the woman and children, and that they escaped from the sheriff, after he had shot and wounded Davis: and that one or both of them, have gone to Texas, that land of patriots, which some of our good citizens wish Gen. Jackson to purchase.

One of the five is under recognizance for trial at the next circuit court of Posey county.—*Evansville (Indiana) Journal*.

KIDNAPPING.—There have been several recent cases of kidnapping in this city—in which children have been enticed away from their parents, and transported to the South. Two of these cases were those of

children on their way to school. The third case is as follows:—A little girl, twelve years old, named Jane Green, was enticed away from her parents, living in the upper part of the city, about two months since. It was not, however, until the day before yesterday, that the friends of the child ascertained where she was probably concealed. Immediate application was made for a writ of *habeas corpus*; but the hour was so late, the judge could not be found. Judge Ulshoeffer yesterday granted the writ; but it was too late, the man and his reputed wife having taken leave during the preceding night—taking the child with them—for Florida, as it is said, by the way of New Orleans. His name is M. Reveloid, said to be a Frenchman. It is hoped that the humane will look after the case, and, if possible, rescue the child from bondage.—*N. Y. Transcript*.

KIDNAPPING.—A writ of *habeas corpus* was issued on Wednesday to compel a Frenchman named Reveloid, to produce Jane Green, a mulatto girl, about 11 years old, whom he is charged with unlawfully detaining for the purpose of taking to some slave state. The little girl has been living in his family for some time, and is suspected—but whether correctly or not, remains to be proved—that he intended bringing her with him to New Orleans. Before the writ could be served on him he left the city, and has gone, no one knows where, and taken the little girl along with him.—*N. Y. Paper*.

Mr. Ruggles continued. The case of Jane Green is familiar to all. It occurred very recently, and has been noticed in terms of strong condemnation in nearly all the city papers. The facts in the case are these; she is about ten years old. She was enticed away about two months since, by a French family of the name of Reveloid. They were suspected, at the time, of having kidnapped her, and the neighbors watched them for some time, in the hope of recovering the girl, or getting some clue by which to determine what had become of her, but in vain. At length, about three days before this family were to go to the South, they saw the girl there again, and immediately sent information to me. I repaired to the house at once, and while in the basement saw her in the yard, with one of the children of the family. I then went to the door and rung the bell. A little girl came to it, and when I inquired if Jane Green was there, she said she would see, and told me to stand there at the door. I however followed on, and was soon met by an individual who assured me she was not there—that she had not been there for two months, and was now at such a place in New Jersey, at work for wages, &c. I expressed my regret, &c. and hastened away to get a writ for her rescue. I applied to a lawyer, and after considerable trouble and delay, we at length found Judge Ulshoeffer. We could find the Recorder, but had no confidence in him. Judge Ulshoeffer was at first disposed to refuse a writ in the case, but on

learning the facts, he seemed surprised, and granted a writ. It was, however, too late to answer the purpose ; and had it not been, it is plainly as valueless as so much brown paper, and yet it would seem to be all the protection the law affords us against kidnappers. It is really nothing more than a summons—nay, it is not that, for the kidnapper may obey it or not, as he pleases, with perfect impunity. It has no authority at all. The writ is as follows :

“**HABEAS CORPUS. To BRING UP PERSON.**—The people of the state of New York, to M. Reveliod, greeting : We command you, that you have the body of Jane Green, a colored girl, by you imprisoned and detained, at the corner of Washington and Reade streets, in the city of New York, as it is said, together with the time and cause of such imprisonment and detention, by whatsoever name she shall be called or charged, before Michael Ulshoeffer, at his office in the City Hall, in the city of New York, on the 17th day of November, 1836, at ten o'clock in the forenoon of that day, to do and receive what shall then and there be considered concerning her, and have you then there this writ.

Witness. Samuel Nelsen, Esquire, Chief Justice of the Supreme Court of Judicature, on the 16th day of November, one thousand eight hundred and thirty six.

Hallet, Paigo, Hubbard and Sutherland, Clerks. Horace Dresser, Attorney.

One other fact. A few days ago, said Mr. R., Mr. Hale, of the Journal of Commerce, told me that he knew there were a great many cases of kidnapping in the city, that he knew a respectable druggist in Pearl street, who was detected, about a week before, in the very act of inveigling a boy away into slavery ; and when I asked why he didn't publish the fact, O ! it would'nt do, it was a delicate subject, &c. &c.

Emancipator.

We find the following in the Cleaveland Daily Gazette of Aug. 22d.

Our citizens were somewhat startled one evening last week, by the seizure of a colored man in this city, by a slave driver and his emissaries from Kentucky. As this is the first seizure of the kind which has ever taken place in this city, we have taken some little pains to enquire into the circumstances of the case, and believe that the following will be found to be a correct account.

John had been a waiter for some time past at the Globe tavern, at the corner of Superior Lane and Merwin street, and had given general satisfaction by his quiet demeanor and attention to his duties. He was seized on Thursday evening last by General John Mannin, who, as agent of a certain Henry Towles, of Bourbon county, Kentucky, on Friday morning, claimed, before Mr. Justice Hoadley, that the prisoner was a runaway slave ; and that he should be delivered up to him, to be carried back to Kentucky. The General produced a witness, who said that his own name was John Morris ; that he expected the whole or part of a reward of five hundred dollars for carrying the prisoner,

whom he said he had known ten or twelve years, back to Kentucky ; and that the prisoner ran away with a horse from his master, on the night of the 4th of June. He likewise produced an advertisement, in which the runaway was described, but which *differed*, in some *important* particulars, from the man before the court. We have a law in the State of Ohio, and it is proper that our readers should know it, which prevents *a colored man from testifying in a court of justice when one of the parties is a white man* ; which permits a white man to beat, bruise, cheat, rob, murder, or kidnap a negro, provided he can so manage matters as to prevent any white witness from seeing his nefarious deeds. So black a law was of course not forgotten by General John Mannin and his counsel. The acquaintances and friends of the prisoner, who would have given an account of him which would have made him a resident of this city from the *middle of May last, were prevented from opening their mouths in court*. But fortunately as it at first appeared, one white witness swore directly to having seen the prisoner in Cleaveland on the 4th of June ; and at any rate, John performed a day's work on the 7th, at the Globe Tavern ; which *last time* would have left the prisoner, supposing him to have been the runaway, *but forty eight hours in which to have performed a journey of six days and a half*. This evidence, however, was not thought sufficient by the Justice, and the unfortunate man was delivered over to the Kentucky General, with a certificate—*made out before the trial commenced*—authorizing him to take the prisoner into his custody. The friends of the unfortunate man made one more effort to save him from the fate which so nearly hung over him. A writ of *habeas corpus* was served out before two of the Judges of the Court of Common Pleas of this county ; but their Honors, being of opinion that the *certificate* of the Justice was in itself a sufficient *reason* for carrying the negro away—and that the proceeding by *habeas corpus* (*which they considered a State law*) must be utterly powerless before the negro law of the United States, refused to interfere in the matter. The ends of the law had been reached ; and he who was yesterday a freeman, is to-day a slave ! *Summum jus, summa injuria*. Report says that Mr. Morris, and the General, before they left Kentucky, paid \$500 for the man, “on the leg,” upon the certainty that if they could get him again to the Ohio river, he would bring \$1,200. We are happy to say, that although the trial excited an unusual degree of feeling, there was not the slightest attempt to infringe upon the majesty of the laws.

[The foregoing has been furnished us by a gentleman who was present at the trial before Esq. Hoadley, and witnessed the proceedings before Judge Usher. We add, that the interest of the slave holder was advocated by S. STARKWEATHER, Esq. and T. Bolton, Esq. and that Messrs. S. J. Andrews, Geo. T. Kingsly, and H. V. Willson, Esqrs., volunteered their services in behalf of the unfortunate slave.]

UNFORTUNATE AFFRAY—We are informed that on Sunday night last an unfortunate affray took place at Swedesborough in this county, which resulted in the serious wounding of one individual, and how many more it is at this time unknown. The cause of the outbreak was this. A family of blacks in the neighborhood of Berkley, claimed as slaves, were arrested upon the warrant of Donahoe, a noted slave catcher from Philadelphia, and taken before Justice Harker, on Sunday, and detained by him at the hotel of Mr. Johnson, until Monday morning, for trial. During all the day and evening, there were to be seen clusters of blacks in and about the village. The alleged slaves, we are informed, were confined in the cellar of the tavern, and were in irons. About 11 o'clock at night the house was attacked by about forty negroes, who came to the rescue of their confined brethren. A discharge of musketry and a volley of clubs and stones were the first intimation that the unsuspecting and affrighted landlord received.

The household was immediately aroused and shrank terror struck to the garret and other parts of the building. The windows were broken out, and the building riddled by bullets and large musket shot. The landlord defended the house as far as he was able, but he had no arms, save a light fowling piece. He discharged it several times and wounded one or more—how badly he knows not. But what is most to be regretted, an aged English pedlar, who had taken lodgings there for the night, aroused by the tumult below from his slumbers, sought refuge half awake and in great alarm in the garret. After the noise had a little subsided, he attempted to find his way into the bar-room—talking, as he came to himself. The landlord heard him and was frightened into the belief that two of the blacks had effected an entrance by way of the trap door, which was known to be open, and he accordingly prepared himself for giving them the warmest reception—Braced himself, cocked and levelled his gun, and in terror awaited their approach—and as the pedlar emerged from the stair door, discharged a large portion of a heavy charge into his knee. The wound is a very severe one, and bled most profusely. We learn, however, that the physicians who were called to dress it, are of the opinion that he may recover from the wound without amputation, though in all probability, not without the loss of the limb forever. The accident is deeply regretted, and by none more than the unhappy landlord.

On Monday morning, the blacks were taken before Judge Harker, and on motion of E. B. Caldwell, Esquire, for the prisoners, the case was postponed until Friday next, upon the all-god absence of a material witness.

The mode of conducting these claims of our southern friends to runaway slaves, calls for the serious attention of our law givers.—We would not have them touch the question of slavery in the abstract—it is not necessary that they should. But we would have the process of reclaim-

ing slaves so well defined and clearly expressed as at once and forever to settle these incessant tumults and riotous assemblings, always consequent upon the cry of "kidnappers ! kidnappers, !!" No man should be touched or molested without legal process—and that process founded upon the real object of the claimant—the reclaiming of his property—and not upon a fictitious charge of a debt or theft. The claim made fairly out, our citizens should not only yield obedience to the law but see that it is rigidly enforced.—*Woodbury (N. J.) Herald.*

Mr. Johnson, among other facts, said, there was a mercantile house in this city which engaged men to go to Florida, to engage in some extensive work. Among others, they engaged a colored man ; he went, and when his engagement was nearly completed, he asked for some of his wages, and found that his employer had actually entered into a contract to sell him into slavery. Accordingly as some of the white laborers, whose term of service was out, were about leaving the place in a boat, he fled to the boat and sought their protection. They had not proceeded far down the river, before the agent, in company with a civil officer, overtook them, and finally, after much difficulty, allowed him to return home only on condition of his signing a receipt in full for his wages. And this man says, that while there he saw a free man, a citizen of New York, in slavery, who had been sold in a similar way some years before.

A SABBATH SCENE IN NEW YORK.—Mr. Editor,—As I was proceeding from my lodging to Church last Sabbath, I saw, in Broadway, a colored man hand-cuffed and pinioned, with a white man near him, on their way towards the harbor. Two or three colored men approached, and asked the colored stranger, if he were the slave of the white man. He replied, "Yes." I could hardly forbear cutting the rope by which this fellow creature's arms were pinioned ; but he looked at his master with so much dread, that I feared it would only lead to some additional act of cruelty. The slave-driver looked at the free colored men, who interrogated the enslaved man, with the expression of a demon. As I walked away to the house of God, I pondered upon what I had witnessed with anguish and consideration. Is it possible, thought I, that in this beautiful city—in this free State—such a scene is tolerated ? Alas ! we live in evil times.—*Emancipator.*

KIDNAPPING IN NEW HAMPSHIRE.—One Noah Rollins, of Sanborn-ton, N. H., has been held to bail in the sum of five hundred dollars, on a charge of selling a black boy, ten years old, for fifty dollars, to a person named Bennett, of Alabama. The boy had been placed with Rollins by the overseers of the poor, and the villany of that wretch was discovered time enough to rescue the intended victim. Bennett

saved himself by making off. Much as we despise the fanaticism that arrays itself against the rights of the slave-holders, there is an indignation due to the miscreants who would enslave the free blacks of the country as deep and as damning. All that we have to condemn in the proceedings that have taken place in this case, is the pitiful smallness of the bail. It was mere mockery to suffer such an offender to go at large upon a bail of five hundred dollars.—*Courier and Enquirer of Nov. 25th, 1836.*

KIDNAPPERS SUSTAIN NO EXPENSE BY THE LAW ; BUT COUNT THE COST OF EMANCIPATING A SLAVE.—On Wednesday last, was committed to jail, by B. K. Morsell, Esq., Henry Caloper, a colored man, charged with aiding a female slave to run away from her mistress. The prisoner had charge of a vessel, sailing between Washington and New York, and in the absence of the master, secreted and conveyed away the female slave, (who is the property of Adelaide and Caroline Douglass,) to the State of New York.—*New York Transcript of Nov. 26th, 1836.*

The following is from the N. Y. American. As the writer was active in causing the arrest and detention of Joas E. de Souza, the captain of the *Brillante*, and in collecting the evidence and facts in the case of Peter John Lee, which has placed Boudinot, Lyon, Nash, and Waddy in so unenviable a position before the world, and which will, we trust, place them where they ought to be—it need not appear strange to the reader that he should receive his reward from the pro-slavery press, and hired *slave catchers*. From all the circumstances in the case, we believe that this was an effort to kidnap Mr. Ruggles and send him to the South.

SAVAGE OUTRAGE AND THREAT TO KILL.

Mr. Editor : I have hesitated to call the public attention to the "outrage" alleged to have been committed on board the "*Brig Brillante*," on the night of the 24th inst.," to correct the false reports in relation to that outrage and myself, until now ; when I trust, that the newspapers have ceased to abuse their mind in relation to it.

It is a duty which I owe to them and myself, to state the facts in this, and in a subsequent outrage, so far as I am acquainted with them ;

and to pronounce the charges against me in the matter of "riot" or "outrage" or "assault" to be *malicious* and *false*.

I have never visited that vessel at any time, except in open day, when humanity urged, and duty directed me. And the idea of my boarding a slave ship at night "within the jurisdiction of the United States," in the port of New York; to release by force her captives from on board, when I have been acquainted with the fact for the last three months that there is a conspiracy on foot to kidnap and to sacrifice me upon the altar of slavery—need not be harbored for one moment in the minds of the most prejudiced. I will state a fact in another place, to show that the savage slave catchers who came with their pistols, dirks, and clubs, and handcuffs, and a gag to pounce upon me and drag me to the South, did not themselves believe the charge.

That I aided in employing every legal and proper means in our courts of law, to let the slave go free, I admit, and shall endeavor to do so in every like suspicious case; but I sought not, I merit not the praise of releasing them—I left that duty to be performed, that laurel to be won by "the proper authorities," whose duty it is to execute the laws of our country, which prohibit the "*bringing in, or importing African slaves into the jurisdiction of the United States from any foreign place, kingdom or country, in any manner whatever.*"

After being instructed in the fact that "the proper authorities" are willing to submit to the "*bringing in,*" and even to the importers holding such slaves in our city prison, until it might suit their convenience to remove them on board the vessel, or (if he reserves his *intent to sell*) to the South—I held and still hold that that vessel ought to be libelled, and the case carried up to a higher tribunal; but since I am informed that the Portuguese who called at my office and stated the *Brillante* belongs to the Governor or Mayor of Rio Janeiro; that she is one of fifteen or twenty slavers which he employs in the slave trade; that he shipped to come to this port; she is to get an outfit to go to the coast of Africa for a cargo of slaves; and the one who informed me on a subsequent occasion, that the vessel returned from the coast with slaves a few weeks before they left Rio Janeiro; have not been seen on board the vessel for several days, I may not, in the absence of the proof to convict the captain and condemn the brig, proceed further; while at the same time I am satisfied that that vessel merits large suspicion.

It is said "that two of the slaves are liberated!" I have to regret that they are not all liberated by the law, as much as I regret the reputed occasion was furnished by the friends of the poor emaciated victims, that the pro-slavery party could raise the cry "Outrage!" "Negro riot!" and "Assault," to enlist the public sympathy in favor of De Souza, the oppressor, while he transports the oppressed to some southern slave market to be sold to the highest bidder! Money is

scarce—men are the most valuable commodity that can be sent to the southern market;—they offer “Two THOUSAND DOLLARS A HEAD for able bodied slaves” in Florida.

And according to the moral and political cancer, the Courier and Enquirer, of this morning, which professes to be acquainted with De Souza’s financial affairs, and intimates that the lawyers have fleeced him very close—if this be true, it would, I think be unsafe to say that he has not taken the hint from the late decision in his own case, and *reserved his intent*, and sold them to the South.

But let us return to the *Savage Outrage*.—On Wednesday morning, 28th December, between one and two o’clock, several notorious slave-catchers made an attack upon the house in which I board, and attempted to force open the doors. I arose from my bed, and stepped to the door, and inquired, who’s there? “Is Mr. Ruggles in?” “Yes.” “I wish to see you, sir.” “Who are you.” “A friend—David, open the door.” “What is your name?” “Why—why, it is Nash: I have come to see you on business of importance.” “What’s the matter?” “Nothing—I only wish to see you on some private business.” “This is rather an unseasonable hour Mr. Nash, to settle private business; call in the morning at eight o’clock.” “Open this door or I will force it open.” “It shall not be opened to-night, sir, unless you tell your errand.” “Then I will get authority from High Constable Hays,” [here-tired, and soon returned] “I have got authority from High Constable Hays to break open this door! Come on boys.” He forced open the door; he and others of his clan made a rush up to my room like hungry dogs; but finding that they had missed their victim, they commenced an assault upon the defenceless landlady; menaced her with clubs, pistols and dirks, that she might produce me. Mr Joseph Michaels appeared, as the mate of the “suspected slaver” *Brillante*, had his dagger raised to strike his sister, and bade him “*hold the blow*, or I will strike you down!”

The assistance of the watch was called by them. Mr. M. was seized, and the handcuffs that Nash brought for me placed upon him, and he was dragged to the watch house, where I am informed Nash took from his cap a half sheet of paper, which he said was the writ that he had obtained from High Constable Hays to take me as a *slave*.—After disposing of M. Michaels, he and his clan returned to Lispenard street, in company with the watchman, and others who were disinterested. Nash said, “had I have caught the fellow out the door, we would have fixed him.” “Yes,” said the savage Portuguese, brandishing his dirk, “if he would not go, I would soon have put an end to his existence: he would never interfere with Brazilians again.”

“What did he do?” “Why,” replied Nash, “he went down on board the *Brillante* and assaulted the captain.”

“How do you know it was him?” Nash said, “If he did not do it, some of the blacks did, and he is the ring leader among them.”

Nash did not call to see me at 8 o'clock in the morning; at 12 o'clock, I proceeded to see him, or to make a statement of the facts in the case before the Mayor.

As I entered the City Hall, I was pounced upon by Boudinot, who dragged me to the Police Office. I desired him not to drag me in that manner, and to show his authority to arrest me, because I would walk to the office with him—He refused to do so, and jammed me against one of the marble pillars—said he, “I was after you last night!”

When I appeared before the magistrate, he said that he understood that I had been engaged in a riot on board the brig *Brillante* on the night of the 24th ult. and that I must find bail to appear before the Sessions to answer to the charge. My friend stepped out for my bail. Boudinot immediately dragged me to the city prison, and gave the jailor a paper, who said, “I have no right to lock up, that is not a commitment.” “Yes it is,” said Boudinot, “shut the fellow up!”

In less than 20 minutes, they had me on the way to Bellevue Prison. They said, “we have got him now, he shall have no quarters, we will learn him to publish us as kidnappers!”

Now, whether these men did *intend* to take me from my bed and send me to the South with Waddy, the notorious southern slave catcher, who, I am informed, sailed for Savannah on Wednesday morning, or to “put an end to my existence,” if I *resisted*, I cannot say in the absence of proof; I hope they did not. But from their conduct, and from the manner in which, I am informed, Boudinot, Nash, John Lyon, and Waddy carried off Peter John Lee, from Rye—and from what I have understood, (for some two or three months past) they intended to do with me, I must confess, considering all the circumstances in the case, that I do believe that this was a desperate effort to execute their threats by sending me to the South. Nash is not a police officer, therefore the magistrate could not allow him a warrant to apprehend *any* one. Boudinot did not enter the house; he doubtless expected that I would attempt to escape in the street, that he might take me with the warrant, which he informed a gentleman he obtained from Governor Marcy in 1832 or '33, by which he can arrest any colored person that Waddy may point out to him named “Jesse.” “Abraham,” “Peter,” or “Silvia,” and send him or her South, without taking such person before a magistrate, as they did Peter John Lee.

Now, I thank Heaven that I am still permitted to live, and take fresh courage in warning my endangered brethren against a gang of kidnappers, which continues to infest our city and the country, to kidnap men, women and children, and carry them to the South. While Boudinot holds a warrant, by which he says he has been sending colored people to the South, for the last three years, and with which he boasts that he can “arrest and send any black to the South”—no man, no woman, no child is safe,

Our houses may be broken open at night by northern or southern and Portuguese slave catchers ; we may be assaulted and threatened with clubs, pistols or dirks, and handcuffed and gagged, and carried away to the South, while HUMANITY and JUSTICE continue to sleep !

Most affectionately and diligently yours, in the cause of Human Freedom,

DAVID RUGGLES.

New York, Jan. 4th, 1836.

The free colored people of these states, are also exposed to slavery by the oppressive and unjust laws enacted in most of the southern states. being often engaged as domestic servants, by persons travelling to the South, they are frequently arrested and thrown into prison, till they prove their freedom : if this is not done within a limited time, they are sold to pay their gaol fees. That such laws should exist in a civilized country, is perhaps one of the strongest proofs of the debasing nature of slavery, a system which makes man the foulest enemy of his fellow man, not only destroying the common principles of justice and benevolence, but introducing the most odious and oppressive tyranny, toward the friendless stranger. We have had occasion, in conjunction with the Man-mission Society, whose friendly co-operation we have often had in these cases, to seek the liberation of persons thus confined. In some instances we have received information that they were liberated, but in no case have we been satisfied that they were. The extreme difficulty of transmitting satisfactory proof of their being free persons, and the still more appalling difficulty of sending an agent to the South to undertake the cause of an alleged slave, renders their release almost hopeless.

The efforts made by your committee to recover property due to colored persons, has been the means of developing some of the odious effects of slavery in the free states. We select the two following cases as specimens of the existence of slavery in New York. Mr. Joshua Pell, of New Rochelle, hired from Pumpton, New Jersey, a man named James Trebout,* whom he held as a slave four years; he also bought the man's wife for seventy dollars, from his master in New Jersey, and kept her as a slave, till the facts came to the knowledge of your committee; we then endeavored to obtain wages for these poor people, but the slave holders had craftily caused them to put their mark to a paper as a receipt in full, specifying some supply of clothing,† and small sums of money, which prevented the prosecution of a suit against him.

* I do certify that Dianna, a black woman, was purchased of Mr. Andrew C. Zebuskie, of Kohocus, New Jersey, last November, that she is now a free woman, which facts I know of my own knowledge.

New Rochelle, 31st Oct., 1836.

WM. W. McCLELAN.

† The following is the bill, et literatum. The reader may judge how correct it is.

John Trebout, to Joshua Pell, Jr., Dr.

Cash paid Andrew C. Zebuskie, for John Trebout's wife,	\$70,00
Cash and expenses in going for her at different times,	20,00
Two shirts \$1,25, straw hat 25 cents, shoes \$2,50,	3,37
Pantaloons \$1,25, tobacco 12 1-2 cents, cash \$10,	1,72 1-2
Cash 12 1-2 cents, do 25 cents, summer coat \$3,00,	3,37 1-2
Cash at sundry times,	371-2
Coat \$5, shoes \$1,75, pantaloons \$1,50	8,25
Mending 75 cents, stockings \$1.50, tobacco 37 cents, cash 25 cents,	2,87 1-2
Pair of boots \$4, hat \$1, cash \$3,	8,00
Cap \$1,25, shoes \$2, shoes for Dina \$1,	4,25

\$122,60

A number of articles cannot be enumerated, because the bills have not come in.

John Trebout and his wife have served Mr. Pell after a fashion from last November, about 11 months, consequently making Mr. Pell pay them about \$11,14.

In a more recent case, a slave, now residing in this city, applied to your committee for advice ; he stated he had belonged to a man at the Ponds, Morris county, New Jersey ; his master sold him for ten years, for two hundred dollars ; after working for his new master six years, the remaining time, or four years, was sold to himself, for two hundred dollars, to be remitted by monthly installments ; his master, after receiving these payments several months, wished to have his money in larger sums, and told the man to meet him at Hoboken and he would get him better employment, to enable him to pay him sooner ; he met him accordingly, when he was thrown into prison, and ultimately sold to another man for two hundred dollars ; from this man he effected his escape, and now lives in New York, determined to resist the fraudulent claims of his taskmasters. These persons were hired from Jersey to a free state, and were therefore comparatively safe, but in very many instances we find they are sold from New Jersey, to persons travelling to the South, where they become slaves for life. The great extent to which kidnapping and slave dealing is carried on in the state of New Jersey, calls for the prompt and energetic exertions of the friends of abolition. It has been ascertained by your committee that considerable sums of money have been frequently bequeathed to colored persons by their deceased masters : in innumerable instances, they are defrauded of these legacies. Several of these bequests have been discovered by your committee, and information given to the parties necessary for their recovery.

Thus far have we advanced.

The events of the past year should stimulate us to a more earnest pursuit of the objects we have in view. While our gratitude and praise is due to God for the signal interpositions of his providence, we take courage, and confide in divine aid and guidance for the future. While the suffering slave groans beneath the lash, or the endangered freeman fears the sound of the ruffian kidnapper, or the friendless wanderer seeks a shelter and a home, or the widow and orphan need a friend, or the captive prisoner an advocate to plead his cause ; while we have hearts to feel or hands to work, the command of our Master shall be our counsellor and guide. "Remember them that are in bonds as being bound with them, and those that adversity as being yourselves also in the body,"

ANNUAL MEETING OF THE NEW-YORK COMMITTEE OF VIGILANCE.—
A public meeting will be held, in aid of the people of Color, to-morrow evening, January 16th, at the Third Presbyterian Church, corner of Thompson and Houston streets, to commence at seven o'clock precisely. The attendance of the public is respectfully invited.

W. JOHNSTON, Chairman
of Committee of Arrangements.

ANNUAL MEETING
OF THE
COMMITTEE OF VIGILANCE.

The first anniversary of the New York Committee of Vigilance, was celebrated on the evening of the 16th of January, 1837, at the Presbyterian church, corner of Thompson and Houston streets, at 7 o'clock.

The meeting was called to order by the REVEREND THEODORE S. WRIGHT.

Prayer was offered by REV. JOHN J. MITER.

An abstract of the annual report was read by MR. WM. JOHNSTON.

On motion of G. R. BARKER, of New York, *Resolved*, That the report be accepted and approved.

On motion of J. J. MITER, *Resolved*, That the present Committee of Vigilance be continued.

On motion of JOHN T. REYMOND, *Resolved*, That we commend the Vigilance Committee to the confidence, co-operation, and prayers of the friends of oppressed humanity.

In support of this resolution, Mr. R. spoke with great feeling on the force of prejudice. He himself had felt its keen edge. In the course of his remarks, he related the following fact. In the year 1832, he addressed a large meeting of colored people, in this city, in relation to the WILBERFORCE colony in Canada. His speech was noticed in one of the city papers, and found its way to his native place, Norfolk, Va. A copy was sent to the mayor of the city, who caused a writ to be issued immediately, for the arrest of Mr. R's person. Before, however, he visited

Norfolk, the mayor died ; but the writ was still in the possession of the officer. When Mr. Raymond returned, the then mayor sent a request for him to come to the court-house. There the inquiry was made whether he had been absent from the State more than a year. He told them he had. Orders were then given for his imprisonment, and without the privilege of being heard in his own defence, he was locked up in jail for twenty-four hours. He was afterwards released, on condition that he would leave the city and the State forthwith. Said Mr. R., "the address, delivered at the above named meeting was the sole cause of my being thus, unceremoniously, *banished from my native State !*

In conclusion, he said, "his voice should ever be lifted to plead the rights of oppressed—bleeding humanity. He was ready to jeopard his life, his all, in defence of this sacred cause. If he must fall a victim to the wrath of the oppressor, he should make the sacrifice willingly—but he pledged himself to that meeting, and to God, to use every lawful means to recue his brother from the grasp of unbridled tyranny.

As the Rev. MR. LUDLOW rose to offer a resolution, the Secretary of the Committee presented to the audience the afflicted wife of PETER JOHN LEE, (a colored man who was recently kidnapped from Rye, Westchester county, and hurried into hopeless bondage, by the minions of slavery) and her two worse than fatherless, little sons. The affecting sight melted the whole meeting into tears. There stood a mother and her two little boys beside her, arrayed in something more than the habiliments of widowhood. A most appalling spectacle of the fiendish spirit of American slavery. At this moment of thrilling interest, Mr. LUDLOW offered the following :

Resolved, That in view of the exertions of this Committee during the past year, and for their operations in future, we pledge ourselves to raise the sum of three thousand dollars.

After a most appropriate and deeply affecting address from Mr. L., the resolution was unanimously adopted.

MR. H. DRESSER, Esq., next addressed the meeting on the following resolution :

Resolved, That as the trial by jury is the great bulwark of the liberties of FREEMEN, it is RIGHT that the privileges of the same be extended to all persons claimed as fugitive SLAVES.

Mr. D. exposed the danger of investing an interested magistracy with power to decide in all cases affecting the *freedom* of our citizens, independent of an *impartial* jury. He established the doctrine of the resolution by an appeal to the highest judicial authorities, as well as by reference to the alarming facts which had fallen under his own observation in this city, and which were detailed in the Report.

The exercises continued until a late hour in the evening, while a large audience manifested their interest by listening with profound attention until the close of the meeting. The benediction was pronounced by the Rev. Dr. RAYMOND, and the meeting adjourned.

T. S. WRIGHT, *Chairman.*

DAVID RUGGLES, *Secretary N. Y. Com. of Vigilance.*

EXECUTIVE COMMITTEE.

WILLIAM JOHNSTON,
DAVID RUGGLES,
JAMES W. HIGGINS,
THEODORE S. WRIGHT,
GEORGE R. BARKER,
THOMAS VANRENSSELAER,
ROBERT BROWN,
SAMUEL E. CORNISH.

J. W. HIGGINS, *Chairman.*

W. JOHNSTON, *Treasurer.*

D. RUGGLES, *Secretary.*

RECEIPTS,

IN AID OF THE COMMITTEE OF VIGILANCE.

Total Receipts, - - - - -	\$839,52
General Expenditure, - - - - -	1228,71
Balance against the Treasury, - - - -	389,19

The total number of persons protected from slavery by the Committee of Vigilance to January 16, 1837, is THREE HUNDRED AND THIRTY FIVE.

It is with much pleasure we state, that the principal part of the subscriptions raised by the exertions of the general committee, has been obtained by the efforts of the Ladies, who collect from their friends one penny a week.—It is also worthy of remark that the sum of \$12,50 and two trunks of clothes were given to the Committee, by George Jones, who was dragged to slavery by an order from our city Recorder.